

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2011

RONALD F. MELLOR,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-2981

[July 20, 2011]

PER CURIAM.

The order denying appellant's postconviction motion as untimely is reversed. *Small v. State*, 941 So. 2d 555 (Fla. 1st DCA 2006). The two-year time limit for seeking postconviction relief did not begin to run until the mandate issued for this court's affirmance of the belated direct appeal of appellant's conviction and sentence. *Mellor v. State*, 968 So. 2d 575 (Fla. 4th DCA 2007) (table) (mandate issued December 5, 2007). This matter is remanded for further proceedings on the postconviction motion.

Reversed and remanded for further proceedings.

MAY, C.J., WARNER and STEVENSON, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; John S. Kastrenakes, Judge; L.T. Case No. 502003CF003210AXXXMB.

Ronald F. Mellor, Doral, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Helene C. Hvizd, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.