

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2012

RICHARD BURTON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D10-5374

[July 18, 2012]

PER CURIAM.

Richard Burton appeals the summary denial of his motion for post-conviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. *The order referenced a state's response. No response had been ordered or filed.* We accept the state's concession and reverse the trial court's order. We remand for the trial court to consider Burton's motion in light of rule 3.850(d).

Reversed and remanded.

MAY, C.J., GROSS and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Carlos S. Rebollo, Judge; L.T. Case No. 07-12093CF10A.

Richard Burton, Chipley, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Don M. Rogers, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.