

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

**JOHN MICHAEL SYDORIAK,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D11-2929

[July 18, 2012]

PER CURIAM.

The order striking appellant's postconviction motion is reversed and remanded for the trial court to consider this court's opinion in *Jackman v. State*, 88 So. 3d 325 (Fla. 4th DCA 2012). *See also Lubin v. State*, 87 So. 3d 1260 (Fla. 4th DCA 2012).

*Reversed and Remanded.*

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

\* \* \*

Appeal of order striking rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert Hawley, Judge; L.T. Case No. 312005CF000899A.

John M. Sydoriak, Wewahitchka, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***