

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING  
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

ANTONIO JAMES JEFFERSON, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Case No. 2D19-3012

Opinion filed April 15, 2020.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Highlands County; Peter F. Estrada, Judge.

Antonio James Jefferson, Appellant, pro se.

NORTHCUTT, Judge.

Antonio James Jefferson timely appeals the dismissal of his "motion for leave to file the attached belated amended and/or supplemental postconviction relief claims" under Florida Rule of Criminal Procedure 3.850. We reverse.

The mandate in Jefferson's direct appeal of his conviction and sentence was issued on March 2, 2016. Jefferson filed his original rule 3.850 motion on September 22, 2016. The postconviction court denied some of Jefferson's claims by order filed on November 21, 2016, and it denied the remainder of the claims after an evidentiary hearing by order filed on November 8, 2017.

On May 23, 2019, Jefferson filed the motion at issue in this appeal, asserting that he had recently learned that his amended and supplemental claims were never addressed by the postconviction court. The new claims included an amended ground eight and new grounds nine through sixteen. The prison date stamp reflects that the amended motion was filed on September 27, 2016. See Haag v. State, 591 So. 2d 614, 617 (Fla. 1992) (holding that the mailbox rule, under which a document "filed by a pro se inmate is deemed filed at the moment in time when the inmate loses control over the document by entrusting its further delivery or processing to agents of the state," such as by placing the document in the hands of prison officials, "exists as a matter of Florida law").

The postconviction court dismissed Jefferson's May 2019 motion under rule 3.850(h), finding that it was untimely and successive. But the prison date stamp of September 27, 2016, demonstrates that Jefferson's amended and supplemental claims were filed before the postconviction court ruled on his original motion. Thus, it was error to hold that Jefferson's motion was untimely and successive, and the court should have addressed his amended and supplemental claims. See Norris v. State, 832 So. 2d 969, 970 (Fla. 2d DCA 2002) ("A defendant may amend a rule 3.850 motion if the trial court has not yet ruled on the motion and the amendment is filed within the two-year time limit."). Accordingly, we reverse and remand for further proceedings.

Reversed and remanded.

KELLY and ATKINSON, JJ., Concur.