

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID J. BRESCH,)	
)	
Appellant,)	
)	
v.)	Case No. 2D05-5641
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
)	
_____)	

Opinion filed May 3, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Debra K. Behnke,
Judge.

NORTHCUTT, Judge.

David J. Bresch appeals the postconviction court's denial of his pro se motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We reverse the denial of the motion and remand for the postconviction court to dismiss his motion as successive. See Fla. R. Crim. P. 3.850(f); Zeigler v. State, 632 So. 2d 48, 51 (Fla. 1993).

WALLACE and LaROSE, JJ., Concur.