

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

JOB LANGLOIS, )  
 )  
                    Appellant, )  
 )  
v. )  
 )  
STATE OF FLORIDA, )  
 )  
                    Appellee. )  
 )  
\_\_\_\_\_ )

Case No. 2D06-1135

Opinion filed July 28, 2006.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Hillsborough County; Wayne S.  
Timmerman, Judge.

PER CURIAM.

Job Langlois appeals the denial of his pro se motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Because Langlois's challenge to his March 4, 2003, judgment and sentence was untimely filed, the motion should have been dismissed rather than denied on the merits. Therefore, we reverse and remand to the postconviction court with directions to dismiss the motion as

untimely. See Fla. R. Crim. P. 3.850(b); Lyell v. State, 872 So. 2d 447 (Fla. 2d DCA 2004).

Reversed and remanded with directions.

NORTHCUTT, SILBERMAN, and CANADY, JJ., Concur.