



Saturday, Sunday, nor legal holiday." Fla. R. Crim. P. 3.040; see also Fla. R. App. P. 9.420(f).

This court per curiam affirmed Mr. Szewczyk's direct appeal, and the mandate issued on September 7, 2007. See Szewczyk v. State, 963 So. 2d 239 (Fla. 2d DCA 2007) (table decision). Mr. Szewczyk had until September 7, 2009, to file his motion for postconviction relief. However, since the two-year period ended on Labor Day, a legal holiday, he had until the next day to file his motion. Thus Mr. Szewczyk's motion for postconviction relief, filed on September 8, 2009, was timely.

Accordingly, we reverse the postconviction court's order and remand for the court to consider the timely filed motion.

DAVIS and WALLACE, JJ., Concur.