

Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed September 16, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-1369
Lower Tribunal No. 04-6975

Muriel Taylor,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, David C. Miller, Judge.

Muriel Taylor, in proper person.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN and CORTIÑAS, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Muriel Taylor (“the defendant”) appeals the denial of a motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. Because

prison officials stamped the defendant's motion as received on January 9, 2009, we reverse the trial court's order denying the motion as untimely. See Haag v. State, 591 So. 2d 614, 616 (Fla. 1992).

Reversed and remanded for further proceedings.