FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D23-1044
LT Case No. 1989-CF-1117

PATRICK KEEBLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Summary appeal from the Circuit Court for Hernando County. Daniel B. Merritt, Jr., Judge.

Matthew J. Metz, Public Defender, and Joseph Chloupek, Assistant Attorney General, Daytona Beach, for Appellant.

Ashley Moody, Attorney General, Tallahassee, and Pamela J. Koller, Assistant Attorney General, Daytona Beach, for Appellee.

November 3, 2023

PER CURIAM.

In 2016, Appellant filed a rule 3.850 motion for postconviction relief in which he sought resentencing. The postconviction court granted the motion. *See Keebler v. State*, 286 So. 3d 385 (Fla. 5th DCA 2019). The resentencing did not occur, and earlier this year, the postconviction court granted the State's motion to rescind the pending resentencing based on new developments in the

substantive decisional law. Appellant challenges the court's order, arguing the court lacked authority to revisit its 2016 order granting resentencing under rule 3.850. We agree. *See Morgan v. State*, 350 So. 3d 712, 716–18 (Fla. 2022); *State v. Jackson*, 306 So. 3d 936, 942–43 (Fla. 2020); *Taylor v. State*, 140 So. 3d 526, 528–29 (Fla. 2014). Accordingly, we reverse the order on appeal and remand the matter to the postconviction court with directions to conduct the resentencing proceeding that the court previously granted.

REVERSED and REMANDED.

JAY, SOUD, and MACIVER, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
