

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

DAVID ALLEN RICE,

Appellant,

v.

Case No. 5D15-2966

STATE OF FLORIDA,

Appellee.

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Opinion filed June 10, 2016

3.850 Appeal from the Circuit Court  
for Brevard County,  
Charles G. Crawford, Judge.

Dane K. Chase, of Chase Law Florida, P.A.,  
St. Petersburg, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Rebecca Roark Wall,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

David Allen Rice appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. In his motion, Rice filed a single claim of ineffective assistance of counsel for failure to request a jury instruction on the justifiable use of deadly force. Because we conclude that Rice asserted a facially sufficient claim not refuted by the record, we reverse for an evidentiary hearing.

REVERSED AND REMANDED.

ORFINGER, EVANDER and COHEN, JJ., concur.