

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

DARNELL M. TILLMAN,

Appellant,

v.

Case No. 5D16-112

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 22, 2016

3.850 Appeal from the Circuit
Court for Orange County,
Jenifer M. Davis, Judge.

James S. Purdy, Public Defender, and
Ailene S. Rogers, Assistant Public
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Darnell Tillman appeals the trial court's order summarily denying his rule 3.850 motion for postconviction relief. The motion alleged claims related to Tillman's 2000 trial and sentencing as well as his 2012 resentencing. We affirm the trial court's order except as to the claim that trial counsel failed to present mitigation evidence at Tillman's

resentencing. Although facially insufficient, Tillman should have been given an opportunity to amend that claim. See Caballero v. State, 132 So. 3d 369 (Fla. 4th DCA 2014).

AFFIRMED in part; REVERSED in part; REMANDED.

PALMER, ORFINGER and TORPY, JJ., concur.