

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2008*

**JEROME DAVIS,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-3009

[July 30, 2008]

PER CURIAM.

We reverse the denial of appellant's rule 3.850 motion on Ground II so that the denial is without prejudice to amend. *Spera v. State*, 971 So. 2d 754 (Fla. 2007).

KLEIN, TAYLOR and DAMOORGIAN, JJ., concur.

\* \* \*

Appeal from the Circuit Court for the Nineteenth Judicial Circuit, Indian River County; Robert L. Pegg, Judge; L.T. Case No. 312004CF000592B.

Carey Haughwout, Public Defender, and Richard B. Greene, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Daniel P. Hyndman, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing.***