

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

GEORGE REED,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-1553

[August 27, 2008]

PER CURIAM.

We affirm without discussion the trial court's summary denial of appellant's grounds one through three of his motion for post conviction relief, but reverse and remand the summary denial as to ground four. We direct the trial court on remand to allow appellant to file an amended motion on that ground only, if he can in good faith, including allegations as to the content of the testimony by the potential defense eyewitness Aviance Reed. *See Spera v. State*, 971 So. 2d 754 (Fla. 2007).

Affirmed in Part; Reversed and Remanded in Part.

SHAHOOD, C.J., WARNER and HAZOURI, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case No. 02-803 CF10A.

George Reed, Carrabelle, pro se.

Bill McCollum, Attorney General, Tallahassee, and Mark J. Hamel, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.