

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

JOHN ARTHUR GREGGS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-2061

[September 24, 2008]

PER CURIAM.

John Arthur Greggs appeals the trial court's order summarily denying his motion for post conviction relief. We reverse the trial court's summary denial of Greggs' claims concerning counsel's failure to file a motion to suppress and to depose certain witnesses. On remand the trial court shall permit Greggs to file a facially sufficient motion within thirty (30) days, pursuant to *Spera v. State*, 971 So. 2d 754 (Fla. 2007). See also *Davis v. State*, 987 So. 2d 235 (Fla. 4th DCA 2008); *Gates v. State*, 984 So. 2d 1290 (Fla. 4th DCA 2008).

STONE, STEVENSON and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Stanton S. Kaplan, Judge; L.T. Case No. 04-13029CF10A.

John Arthur Greggs, Florida City, 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.