

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

CHADARIUS MACKEROY,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-528

[July 9, 2008]

PER CURIAM.

Chadarius Mackeroy appeals the summary denial of his motion for postconviction relief. We affirm as to ground one, which we conclude cannot be made legally sufficient. *See Iacono v. State*, 930 So. 2d 829 (Fla. 4th DCA 2006). We reverse the summary denial as to ground two and direct the trial court on remand to strike this ground as legally insufficient and allow Mackeroy to refile it, if he can do so in good faith, within a short amount of time. *See Spera v. State*, 971 So. 2d 754 (Fla. 2007).

STONE, GROSS and HAZOURI, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, III, Judge; L.T. Case No. 06-23055 CF10A.

Chadarius Mackeroy, Fort Lauderdale, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.