

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

FREDDY D. WADDELL,

Appellant,

v.

Case No. 5D18-694

STATE OF FLORIDA,

Appellee.

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Opinion filed June 1, 2018

3.850 Appeal from the Circuit Court  
for Citrus County,  
Richard A. Howard, Judge.

Freddy D. Waddell, Crawfordville, pro se.

No Appearance for Appellee.

PER CURIAM.

Freddy D. Waddell appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm as to Grounds One, Two, and Four of Waddell's motion without further discussion. In Ground Three, Waddell contends that his trial counsel was ineffective for failing to object to a statement made by the trial court regarding Waddell's maximum possible sentence that allegedly showed prejudice. Because this claim was facially insufficient, Waddell should have the opportunity to amend it. See Parsons v. State, 981 So. 2d 1249, 1250 (Fla. 5th DCA

2008) (“[A] defendant who files a legally insufficient rule 3.850 motion should be given at least one opportunity to correct the deficiency, unless it is apparent that the defect cannot be corrected.”). We therefore reverse and remand on Ground Three for the postconviction court to provide Waddell the opportunity to amend the claim in good faith.

AFFIRMED in part; REVERSED in part; REMANDED.

COHEN, C.J., SAWAYA and BERGER, JJ., concur.