

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

GREGORY WHITAKER,

Appellant,

v.

Case No. 5D18-925

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 6, 2018

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

Gregory Whitaker, Live Oak, pro se.

No Appearance for Appellee.

PER CURIAM.

Appellant, Gregory Whitaker, appeals the summary denial of his motion pursuant to Florida Rule of Criminal Procedure 3.850. In his motion, Appellant alleged, *inter alia*, that trial counsel was ineffective because (1) counsel failed to take any depositions or otherwise “look into [Appellant’s] case,” and (2) Appellant informed counsel that he was sick on the morning of trial and that he was therefore unable to think clearly.

Although these claims were facially insufficient as alleged, Appellant was not given an opportunity to amend his claims. See Fla. R. Crim. P. 3.850(f). Therefore, we reverse

as to these two claims with instructions that the trial court give Appellant an opportunity to amend. We otherwise affirm.

AFFIRMED in part; REVERSED in part; and REMANDED.

COHEN, C.J., EVANDER and EISNAUGLE, JJ., concur.