

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2008

SAMUEL N. CARBO,

Appellant,

v.

Case No. 5D07-2391

STATE OF FLORIDA,

Appellee.

Opinion filed March 28, 2008

3.850 Appeal from the Circuit Court
for Brevard County,
Charles M. Holcomb, Judge.

Samuel N. Carbo, Raiford, pro se.

Bill McCollum, Attorney General,
Tallahassee, and Anthony J. Golden,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

The trial court's summary denial of the first two grounds of appellant's Rule 3.850¹ motion for post-conviction relief was correct. However, in accordance with the requirements of the recent Florida Supreme Court decision in *Spera v. State*, 971 So. 2d 754 (Fla. 2007), we reverse the trial court's summary denial of ground three and remand to allow the appellant an opportunity to amend this claim, which the trial court found to be legally insufficient.

AFFIRMED in part, REVERSED in part and REMANDED.

PALMER, C.J., GRIFFIN and PLEUS, JJ., concur.

¹ Fla. R. Crim. P. 3.850.