

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

LORDCEDRIC GRIFFIN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D12-0232

Opinion filed November 16, 2012.

An appeal from the Circuit Court for Clay County.
John H. Skinner, Judge.

LordCedric Griffin, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Giselle D. Lysten, Assistant Attorney
General, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant's rule 3.850 motion is facially sufficient to assert a claim of ineffective assistance of counsel to the extent that it alleges a failure to move for a judgment of acquittal on the charged offense of burglary with damage in excess of \$1,000.00. The record before us contains no evidence that the damage exceeded \$1,000.00 or that there was otherwise a valid reason why counsel did not raise this

issue at trial. Consequently, we reverse the order summarily denying the motion and remand the case to the trial court for attachment of records conclusively refuting the claim or an evidentiary hearing.

PADOVANO, ROWE, and RAY, JJ., CONCUR.