

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-1723

CHRISTOPHER BACHMAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Okaloosa County.
Michael A. Flowers, Judge.

September 5, 2018

PER CURIAM.

Christopher Bachman appeals a “Final Order” denying almost all of his seventeen claims for postconviction relief raised pursuant to Florida Rule of Criminal Procedure 3.850. The circuit court issued the order after holding an evidentiary hearing.

One of the arguments Mr. Bachman asserts on appeal is that the court erred by not addressing one of his claims for relief. The claim alleged that defense counsel failed to object to certain improper and prejudicial arguments by the State.

Mr. Bachman is indeed correct that the court’s order did not address the second of two claims that were labeled “Ground Six” in his motion. Rather than forming a basis to reverse the order, however, the lack of a ruling on this claim deprives this court of jurisdiction. *See Hanner v. State*, 228 So. 3d 1161 (Fla. 1st DCA

2017) (dismissing where “[o]n appeal, Appellant argues that the postconviction court erred by failing to address all of the claims in his motion”). “It is well-settled that an order disposing of some, but not all of the claims in a motion for postconviction relief is not an appealable final order.” *Lake v. State*, 53 So. 3d 1125, 1126 (Fla. 1st DCA 2011). *See also* Fla. R. Crim. P. 3.850(f)(8)(C) (“The order issued after the evidentiary hearing shall resolve all the claims in the motion . . .”). We therefore dismiss this appeal without prejudice to Mr. Bachman’s ability to file a future appeal after the circuit court has ruled on all of his claims.

DISMISSED.

WOLF, OSTERHAUS, and WINSOR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Rachael E. Reese, O’Brien Hatfield, P.A., Tampa, for Appellant.

Pamela Jo Bondi, Attorney General, and Sharon S. Traxler, Assistant Attorney General, Tallahassee, for Appellee.