

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2014

DUANE M. BLAKE,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D14-1816

[November 12, 2014]

Appeal from order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Robin Lee Rosenberg, Judge; L.T. Case No. 502009CF012955A.

Duane M. Blake, Madison, pro se.

No appearance required for appellee.

PER CURIAM.

We affirm the summary denial of grounds one through five and seven of appellant's *pro se* motion for post-conviction relief. See Fla. R. Crim. P. 3.850. However, as to ground six, we reverse and remand with directions to grant the appellant an evidentiary hearing. See *Morales v. State*, 731 So. 2d 91 (Fla. 4th DCA 1999). In ground six, appellant alleged that trial counsel failed to call an available defense witness who would have testified that the victim of the shooting was pointing a firearm at appellant when he shot his firearm, thus potentially corroborating appellant's asserted self-defense claim. See *Morales*, 731 So. 2d at 92; see also *Moran v. State*, 750 So. 2d 132, 134 (Fla. 2d DCA 2000); *Balmori v. State*, 985 So. 2d 646, 650-651 (Fla. 2d DCA 2008); *Spellers v. State*, 993 So. 2d 1117, 1119 (Fla. 5th DCA 2008).

Affirmed in part, reversed in part, and remanded with directions.

GROSS, CONNER and KLINGENSMITH, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.