

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

JANUARY TERM 2005

VINCENT PARRISH,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

CASE NO. 4D04-3330

of armed robbery.¹ See *Griggs v. State*, 744 So. 2d 1145 (Fla. 4th DCA 1999); *Sassnett v. State*, 838 So. 2d 650, 652-53 (Fla. 1st DCA 2003).

Affirmed in part, reversed in part, and remanded.

GUNTHER, STONE and POLEN, JJ., concur.

***NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR REHEARING.***

Opinion filed February 9, 2005

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case No. 96-22277 CF10B.

Vincent Parrish, Indiantown, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Joseph Tringali, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Vincent Parrish (Defendant) appeals from the order summarily denying his rule 3.850 motion for post-conviction relief and the order denying his motion for rehearing. We affirm without discussion the denial of his first and his third through fifth grounds for relief, but we reverse as to the second ground, as to which the state properly agrees that remand is necessary. Defendant claimed his trial counsel was ineffective in failing to inform him of the defense of voluntary intoxication and in failing to request an instruction on voluntary intoxication after evidence was adduced at trial to support such an instruction, which would have been a defense to the specific intent crime

¹ Section 775.051, Florida Statutes, provides that voluntary intoxication is no longer a defense to specific intent crimes, effective October 1, 1999; however, Defendant was not precluded from using the defense because the offense occurred in 1996.