

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2009

LAZARO VAZQUEZ,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-4839

[August 5, 2009]

PER CURIAM.

The appellant, Lazaro Vazquez, appeals the summary denial of his motion for post-conviction relief pursuant to Florida Rule of Criminal Procedure 3.850. The state concedes that an evidentiary hearing is required on three of the four grounds raised in the motion, but misinterprets the nature of the fourth ground. We reverse and remand for an evidentiary hearing on all four grounds raised in the motion.

Reversed and remanded.

TAYLOR, MAY and LEVINE, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case No. 03-18577 CF10A.

Carla Lowry of Lowry at Law, P.A., Fort Lauderdale, and Brooke V. Elvington of The Law Office of Brooke Elvington, P.A., Tampa, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Joseph A. Tringali, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.