

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

JOSEPH SAL MANCINO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-531

[August 6, 2008]

PER CURIAM.

We reverse the order of the trial court dismissing Joseph Sal Mancino's amended rule 3.850 motion. The case is remanded for the trial court to consider the substance of the forty-two page motion. We have considered the State's citation to *Spera v. State*, 971 So. 2d 754, 761 (Fla. 2007), but find its application premature.

Reversed and remanded.

SHAHOOD, C.J., STEVENSON and DAMOORGIAN, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ilona M. Holmes and Ana I. Gardiner, Judges; L.T. Case No. 04-19936 CF10A.

Joseph Sal Mancino, Defuniak Springs, pro se.

Bill McCollum, Attorney General, Tallahassee, and Georgina Jimenez-Orosa, Senior Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.