

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2010

GREGORY FARNWORTH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-1602

[May 26, 2010]

PER CURIAM.

Gregory Farnworth appeals the trial court's order that summarily denied his rule 3.850 motion. Three of the points were denied "without prejudice." *Spera v. State*, 971 So. 2d 754 (Fla. 2007). However, the order provided that Farnworth had thirty days to file an appeal. No provision was made to permit an amended filing.

We reverse the order on appeal and remand for the entry of a non-final order that gives Mr. Farnworth reasonable time to attempt to amend those points. *See Lawrence v. State*, 987 So. 2d 157 (Fla. 2d DCA 2008). Should Farnworth fail to amend, the trial court may enter a final order disposing of all claims.

Reversed and remanded.

POLEN, DAMOORGIAN and LEVINE, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, III, Judge; L.T. Case No. 04-2352 CF10A.

Richard L. Rosenbaum of Arnstein & Lehr, LLP, Fort Lauderdale, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Heidi L. Bettendorf, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.