

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

EUGENE HENRY,)	
)	
Appellant,)	
)	
v.)	Case No. 2D14-535
)	
STATE OF FLORIDA,)	
)	
Appellee.)	
_____)	

Opinion filed February 26, 2016.

Appeal from the Circuit Court for
Lee County; J. Frank Porter, Judge.

Eugene Henry, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Cornelius C. Demps,
Assistant Attorney General, Tampa, for
Appellee.

NORTHCUTT, Judge

Eugene Henry appeals the partial denial of his motion for postconviction relief pursuant to Florida Rule of Criminal Procedure 3.850. Because the postconviction court did not give Henry an opportunity to amend his claim, we reverse that portion of the order denying ground one. A trial court abuses its discretion by failing to allow the defendant at least one good faith amendment to an insufficient pleading. Spera v. State, 971 So. 2d 754, 761-62 (Fla. 2007).

We reverse and remand with instructions to dismiss ground one of Henry's motion and permit him to file a legally sufficient amended claim as to ground one. We affirm all other denials raised on this appeal.

WALLACE and BADALAMENTI, JJ., Concur.