

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

PETER F. MOHR, a/k/a	)	
PETER FRITZ MOHR,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D08-1526
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed September 11, 2009.

Appeal from the Circuit Court for Sarasota  
County; Deno Economou, Judge.

James Marion Moorman, Public Defender,  
and Daniel L. Castillo, Special Assistant  
Public Defender, Bartow, for Appellant.

Bill McCollum, Attorney General,  
Tallahassee, and Timothy A. Freeland,  
Assistant Attorney General, Tampa, for  
Appellee.

WALLACE, Judge.

Peter F. Mohr appeals the denial of his motion for postconviction relief  
under Florida Rule of Criminal Procedure 3.850. We reverse the postconviction court's

order with regard to the summary denial of ground three of Mr. Mohr's motion. We affirm without comment the postconviction court's denial of all other claims for relief.

In ground three, Mr. Mohr alleged that his trial counsel provided ineffective assistance because counsel failed to impeach a witness with her prior inconsistent statements. However, Mr. Mohr "did not allege on what portions of the testimony the witness[ ] could have been impeached or how the failure to do so affected his trial." Keevis v. State, 908 So. 2d 552, 554 (Fla. 2d DCA 2005). For this reason, the post-conviction court summarily denied this claim as legally insufficient. We agree that the claim was legally insufficient. But, in light of the recent opinion in Spera v. State, 971 So. 2d 754 (Fla. 2007), we reverse the summary denial of ground three and remand with instructions to strike this ground with leave to amend within a reasonable amount of time in accordance with Spera. See Sierra v. State, 993 So. 2d 1064, 1065 (Fla. 1st DCA 2008).

Affirmed in part, reversed in part, and remanded with directions.

FULMER and NORTHCUTT, JJ., Concur.