

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

DAVID ZIMMERMAN,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D09-5020

Opinion filed June 11, 2010.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pinellas County; Chris Helinger, Judge.

David Zimmerman, pro se.

VILLANTI, Judge.

David Zimmerman appeals an order denying in part and dismissing in part his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Because we do not have jurisdiction to review this nonfinal order, we dismiss this appeal. See Herron v. State, 35 Fla. L. Weekly D1033 (Fla. 2d DCA May 7, 2010). On remand, the postconviction court should enter a revised order allowing amendment

within a reasonable time in accordance with Spera v. State, 971 So. 2d 754, 761 (Fla. 2007). If Zimmerman does not amend the motion within the specified time, the court should enter a final order disposing of all of Zimmerman's claims. If he does amend the motion, the court must consider the amendment in its final disposition.

Dismissed and remanded.

ALTENBERND and DAVIS, JJ., Concur.