

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2009

JACKIE DEAN POGUE,
A/K/A JACK CLAYTON,

Appellant,

v.

Case No. 5D09-3536

STATE OF FLORIDA,

Appellee.

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Opinion filed November 13, 2009

3.850 Appeal from the Circuit Court
for Citrus County,
Richard Howard, Judge.

Jackie D. Pogue, Lowell, pro se.

No Appearance for Appellee.

PER CURIAM.

We affirm the trial court's determination that Appellant's rule 3.850 motion was insufficient, but reverse and remand so that Appellant may be permitted to amend his petition if he can. *Spera v. State*, 971 So. 2d 754 (Fla. 2007).

AFFIRMED in part; REVERSED in part and REMANDED.

SAWAYA, TORPY and COHEN, JJ., concur.