

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

JANUARY TERM 2012

BLAKE ALEXANDER WARD,

Appellant,

v.

Case No. 5D11-1853

STATE OF FLORIDA,

Appellee.

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Opinion filed June 8, 2012

3.850 Appeal from the Circuit Court for  
Seminole County,  
Debra S. Nelson, Judge.

James S. Purdy, Public Defender, and  
Susan A. Fagan, Assistant Public  
Defender, Daytona Beach, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Anthony J. Golden,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

The appellant, Blake Alexander Ward, was convicted of attempted second degree murder, and this court affirmed the judgment and sentence associated with that case. See *Ward v. State*, 17 So. 3d 1243 (Fla. 5th DCA 2009). He now appeals the summary denial of the first two grounds of his amended rule 3.850 motion alleging ineffective assistance of counsel. Because ground two, which deals with the potential

witness, Ms. Canty, is not facially invalid and is not conclusively refuted by the record, we reverse and remand for an evidentiary hearing to allow the trial court to consider ground two of Mr. Ward's amended motion. We otherwise affirm.

AFFIRMED in part; REVERSED in part; and REMANDED.

PALMER, MONACO and LAWSON, JJ., concur.