

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CALEB NATHANIEL RUH,

Appellant,

v.

Case No. 5D20-375

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 25, 2020

3.850 Appeal from the Circuit
Court for Flagler County,
Terence R. Perkins, Judge.

Michael Ufferman, of Michael Ufferman Law
Firm, P.A., Tallahassee, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

We affirm, without further discussion, the summary denial of grounds one, two, and four of Appellant's Florida Rule of Criminal Procedure 3.850 amended motion for postconviction relief. We reverse the summary denial of ground three of the motion regarding Appellant's claim that his trial counsel was ineffective for failing to call a

toxicologist to testify at trial and remand for the court to hold an evidentiary hearing on this claim.

Lastly, we reverse the postconviction court's denial of ground five of Appellant's amended motion and remand with directions that the trial court correct the scrivener's error in Appellant's scoresheet to show that Appellant proceeded to trial instead of tendering a guilty plea.

AFFIRMED, in part; REVERSED, in part; REMANDED with directions.

LAMBERT, SASSO, and TRAVER, JJ., concur.