

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

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

EDDIE D. FORD,

Appellant,

v.

CASE NO. 1D07-5022

STATE OF FLORIDA,

Appellee.

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Opinion filed August 4, 2008.

An appeal from Circuit Court for Leon County.

Kathleen F. Dekker, Judge.

Eddie D. Ford, pro se, Appellant.

Bill McCollum, Attorney General, and Anne C. Conley, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the postconviction court's order summarily denying his motion alleging ineffective assistance of counsel filed pursuant to Florida Rule of Criminal Procedure 3.850. The postconviction court's order indicated that rule 3.850

motions do not apply to probation revocation proceedings. The postconviction court is incorrect and an appellant may raise ineffective assistance of counsel at a probation revocation proceeding. See Ganey v. State, 33 Fla. L. Weekly D773 (Fla. 1st DCA March 18, 2008).

The state concedes that the postconviction court erroneously denied this motion and failed to address the merits or attach record portions to conclusively refute the appellant's allegations. We, therefore, reverse and remand the postconviction court's summary denial of the appellant's motion in order to address the claims on the merits.

REVERSED AND REMANDED.

BROWNING, C.J., WOLF and WEBSTER, JJ., CONCUR.