

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D2023-3616
Lower Tribunal No. 16-CF-000392

BARBARO HERIBERTO MESA-RODRIGUEZ,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Lee County.
Robert Branning, Judge.

October 10, 2025

GANNAM, J.

Barbaro Heriberto Mesa-Rodriguez appeals the trial court’s summary denial of his motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. His motion asserted nine grounds for relief based on ineffective assistance of trial counsel and one ground based on cumulative error. We agree with the trial court that ground 8 was insufficiently pleaded for failing to “provide any elaboration or detail on what the victim could have been impeached on or which prior statements were inconsistent with her trial testimony.” But we disagree that ground 8, as

pleaded, is conclusively refuted by the record. Accordingly, we reverse the order denying Mesa-Rodriguez's motion as to ground 8 and remand for the trial court to allow Mesa-Rodriguez at least one opportunity to amend it if he can, in good faith, correct its deficiencies. *See Spera v. State*, 971 So. 2d 754, 761–62 (Fla. 2007). We affirm the denial as to all other grounds in the motion.

AFFIRMED in part; REVERSED in part; REMANDED with instructions.

WHITE and MIZE, JJ., concur.

Ana M. Davide, of Ana M. Davide, P.A., Coral Gables, for Appellant.

James Uthmeier, Attorney General, Tallahassee, and David Campbell, Assistant Attorney General, Tampa, for Appellee.

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