

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

RAMON ANTONIO AQUINO,

Appellant,

v.

Case No. 5D13-4524

STATE OF FLORIDA,

Appellee.

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Opinion filed December 4, 2015

3.850 Appeal from the Circuit  
Court for Orange County,  
Timothy R. Shea, Judge.

William R. Ponall, of Snure & Ponall, P.A.,  
Winter Park, for Appellant.

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

PER CURIAM.

In this Florida Rule of Criminal Procedure 3.850 proceeding, Appellant challenges the summary denial of his petition for postconviction relief. We reverse as to claim two (the failure to call Pedro Molina as a witness) and claim three (the failure to call Appellant as a witness). The attached portions of the record do not conclusively refute Appellant's allegations regarding these claims. On remand, the trial court shall either conduct a

hearing, attach other portions of the record that conclusively refute the claims or grant the requested relief. Also, because the trial court failed to rule on claim seven of Appellant's timely filed addendum to his rule 3.850 motion, we remand for the trial court to consider that claim as well.

We affirm as to all other points on appeal.

AFFIRMED IN PART; REVERSED IN PART; AND REMANDED.

PALMER, ORFINGER and TORPY, JJ., concur.