

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

JOE EDWIN ROGERS,

Appellant,

v.

Case No. 5D14-1859

STATE OF FLORIDA,

Appellee.

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Opinion filed March 27, 2015

3.850 Appeal from the Circuit Court  
for Hernando County,  
Daniel B. Merritt, Jr., Judge.

Joe Edwin Rogers, Raiford, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Allison Leigh Morris,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Joe Edwin Rogers appeals the summary denial of his initial motion for postconviction relief and his supplemental motion for postconviction relief, both of which were filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm, except as to claims I(a) and I(d) set forth in Rogers' initial motion.<sup>1</sup> We conclude that these claims are

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<sup>1</sup> The initial motion was timely filed on July 24, 2013.

legally sufficient and not conclusively refuted by the record. On remand, the trial court shall either attach portions of the record conclusively refuting these claims or hold an evidentiary hearing.

AFFIRMED, in part; REVERSED, in part; and REMANDED.

PALMER, EVANDER and COHEN, JJ., concur.