

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

JAMES DESMOND BOOTH,

Appellant,

v.

Case No. 5D21-479
LT Case No. 2012-CF-30612

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 5, 2021

3.850 Appeal from the Circuit Court
of Volusia County,
James R. Clayton, Judge.

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

Ashley Moody, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Appellant appeals the trial court's summary denial of his amended motions seeking post conviction relief pursuant to Florida Rule of Criminal Procedure 3.850. In his motions, Appellant raised seven claims of ineffective assistance of counsel. Concluding that the records attached to the denial order do not conclusively refute the claims raised in grounds two, three, six, and seven of the amended motion and that part of ground five regarding the allegation that the witnesses Ward and Hickson allegedly accepted bribes from the State in exchange for their trial testimony against Appellant, we reverse and remand for the trial court to conduct an evidentiary hearing as to these grounds. See Robinson v. State, 972 So. 2d 1115, 1116 (Fla. 5th DCA 2008) (reversing summary denial of Rule 3.850 motion because claims were not conclusively refuted by the record). Therefore, we reverse and remand these specific grounds for the trial court to conduct an evidentiary hearing. We affirm the trial court's ruling with regard to all other grounds.

AFFIRMED in Part, REVERSED in Part, and REMANDED with Instructions.

LAMBERT, C.J., EVANDER, and WALLIS, JJ., concur.