

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

HOLVENS LABISSIERE,

Appellant,

v.

Case No. 5D21-654
LT Case No. 2007-CF-005424

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed November 12, 2021

3.850 Appeal from the Circuit Court
for Orange County,
Patricia Strowbridge, Judge.

RoseMarie Feller, of Feller Law, P.A.,
Lake Mary, for Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Roberts J. Bradford,
Jr., Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Holvens Labissiere appeals the trial court's summary denial of his
Florida Rule of Criminal Procedure 3.850 motion. We agree with Labissiere

that he should have been afforded a hearing on claims one¹ and two of his motion, and we reverse the summary denial as to these claims. We affirm in all other respects.

REVERSED in part; AFFIRMED in part; REMANDED.

EVANDER, HARRIS and WOZNIAK, JJ., concur.

¹ We note that the allegations contained in claim one, if established, raise serious ethical concerns regarding Labissiere's trial counsel. While the reviewing court is not in a position to make factual findings, should the trial court, following an evidentiary hearing, determine that Labissiere's allegations are substantiated, it should consider the appropriate action to take regarding trial counsel, including referring the matter to the Florida Bar.