

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

DAWAYNE LEE DAVIS, JR.,

Appellant,

v.

Case No. 5D22-2317
LT Case No. 2017-CF-000464-A

STATE OF FLORIDA,

Appellee.

Opinion filed December 9, 2022

3.850 Appeal from the Circuit Court
for Sumter County,
William H. Hallman, III, Judge.

Dawayne L. Davis, Jr., Jasper,
pro se.

Ashley Moody, Attorney General,
Tallahassee, and L. Charlene
Matthews, Assistant Attorney
General, Daytona Beach, for
Appellee.

PER CURIAM.

Appellant sought relief pursuant to Florida Rule of Criminal Procedure 3.850, asserting two claims. We affirm as to the first claim but reverse and remand as to the second claim with instructions for the postconviction court to either attach records conclusively refuting Appellant's second claim or to conduct an evidentiary hearing on that claim.

AFFIRMED in part, REVERSED in part, and REMANDED with instructions.

EVANDER, WALLIS and EDWARDS, JJ., concur.