

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

BILLY LEWIS,

Appellant,

v.

Case No. 5D13-3267

STATE OF FLORIDA,

Appellee.

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Opinion filed January 31, 2014

3.850 Appeal from the Circuit Court  
for Orange County,  
Julie H. O'Kane, Judge.

F. Wesley Blankner, Jr., of Jaeger &  
Blankner, Orlando, for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and L. Charlene  
Matthews, Assistant Attorney  
General, Daytona Beach, for  
Appellee.

PER CURIAM.

Billy Lewis appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We reverse and remand for the trial court to conduct an evidentiary hearing or attach those portions of the record that refute Lewis's claim that his attorney misadvised him about his eligibility for the

habitual offender sentence he received upon violating his probation.<sup>1</sup> See Hill v. State, 611 So. 2d 115 (Fla. 5th DCA 1993).

REVERSED and REMANDED with directions.

SAWAYA, PALMER and ORFINGER, JJ., concur.

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<sup>1</sup> The court did not attach a copy of the violation of probation plea colloquy.