

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

WESLEY B. LUCAS,

Appellant,

v.

Case No. 5D15-2051

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed April 8, 2016

3.850 Appeal from the Circuit Court  
for Orange County,  
Renee A. Roche, Judge.

Wesley B. Lucas, Monticello, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Appellant, Wesley B. Lucas, appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850, which contains several numbered claims. We conclude that the record conclusively refutes claims two, three, and five. Accordingly, we affirm as to those claims. However, the record attachments do not conclusively refute claims one and four. As to those two

claims, we reverse the order under review and remand this case to the trial court to attach portions of the record conclusively refuting those claims or to hold an evidentiary hearing.

AFFIRMED in part; REVERSED in part; REMANDED.

SAWAYA, BERGER and LAMBERT, JJ., concur.