

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

NICKOLAS FRASCA,

Appellant,

v.

Case No. 5D16-2890

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 22, 2016

3.850 Appeal from the Circuit Court
for Hernando County,
Stephen E. Toner, Jr., Judge.

Nickolas Frasca, Perry, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Nickolas Frasca appeals the summary denial of his motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.850, alleging three claims. As to grounds one and three, we affirm without comment. We reverse as to ground two because the trial court failed to attach records that conclusively refute the claim.

On remand, the trial court shall either attach the necessary records that conclusively refute the claim made in ground two or hold an evidentiary hearing.

AFFIRMED IN PART; REVERSED IN PART; REMANDED.

ORFINGER, EVANDER and COHEN, JJ., concur.