

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

JASON WILLIAMS,

Appellant,

v.

Case No. 5D16-575

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed July 22, 2016

3.850 Appeal from the Circuit Court
for Brevard County,
Charles G. Crawford, Judge.

Jason Williams, Lowell, pro se.

No Appearance for Appellee.

PER CURIAM.

Jason Williams appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm as to Grounds One, Three, and Four. However, because the record does not conclusively refute Williams' claim that his counsel was ineffective for failing to object to portions of the self-defense jury instruction that improperly shifted the burden of proof, we reverse the summary denial of Ground Four and remand for attachment of portions of the record conclusively refuting that claim or for an evidentiary hearing. See Freeman v. State, 761 So. 2d 1055, 1061

(Fla. 2000) ("[A] defendant is entitled to an evidentiary hearing on a postconviction relief motion unless (1) the motion, files, and records in the case conclusively show that the prisoner is entitled to no relief, or (2) the motion or a particular claim is legally insufficient." (citing Maharaj v. State, 684 So. 2d 726 (Fla. 1996))).

AFFIRMED in part, REVERSED in part, and REMANDED.

LAWSON, C.J., BERGER and LAMBERT, JJ., concur.