

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

WILLIAM F. SHERWOOD,

Appellant,

v.

Case No. 5D16-2841

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed January 13, 2017

3.850 Appeal from the Circuit Court
for Brevard County,
Morgan L. Reinman, Judge.

William F. Sherwood, Live Oak, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

William F. Sherwood appeals the postconviction court's summary denial of his Motion for Postconviction Relief under Florida Rule of Criminal Procedure 3.850. We find that Sherwood's claim in Ground One is not conclusively refuted by the record and warrants remand for an evidentiary hearing. See Freeman v. State, 616 So. 2d 181, 182

(Fla. 2d DCA 1993). We affirm the trial court's denial of the remaining grounds without further discussion.

AFFIRMED in Part; REVERSED in Part; REMANDED.

SAWAYA, BERGER and WALLIS, JJ., concur.