

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

HERIBERTO FELICIANO,

Appellant,

v.

Case No. 5D17-1388

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 1, 2017

3.850 Appeal from the Circuit
Court for Osceola County,
Jon B. Morgan, Judge.

Heriberto Feliciano, Wewahitchka, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Lori N. Hagan, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

Heriberto Feliciano (“Defendant”) appeals an order summarily denying his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm as to all issues except for claim three. In this claim, Defendant alleges that his counsel was ineffective for failing to advise him properly regarding his right to testify. As

to claim three, we reverse and remand for the trial court to hold an evidentiary hearing or to attach records conclusively refuting Defendant's allegation.

AFFIRMED in part, REVERSED in part, and REMANDED.

SAWAYA, TORPY and EVANDER, JJ., concur.