

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

DIEVLESE WILLIAMS,

Appellant,

v.

Case No. 5D18-1225

STATE OF FLORIDA,

Appellee.

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Opinion filed July 13, 2018

3.850 Appeal from the Circuit Court  
for Orange County,  
Dan Traver, Judge.

Dievlese Williams, Chipley, pro se.

No Appearance for Appellee.

PER CURIAM.

Dievlese Williams appeals the summary denial of both grounds raised in his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm as to Ground Two. However, we reverse the summary denial of Ground One and remand for attachment of portions of the record 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.”).

AFFIRMED in part, REVERSED in part, and REMANDED.

SAWAYA, ORFINGER and EDWARDS, JJ., concur.