

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

HARRY HIRAM ORTIZ,

Appellant,

v.

Case No. 5D19-61

STATE OF FLORIDA,

Appellee.

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Opinion filed October 18, 2019

3.850 Appeal from the Circuit  
Court for Citrus County,  
Richard A. Howard, Judge.

Harry Hiram Ortiz, Lowell, pro se.

Ashley Moody, Attorney General, Tallahassee,  
and Marjorie Vincent-Tripp, Assistant Attorney  
General, Daytona Beach, for Appellee.

HARRIS, J.

Harry Hiram Ortiz appeals a final order summarily denying each of the seven claims raised in his motion for postconviction relief. We affirm without discussion the denial of claims one through six. In his seventh claim, Ortiz alleged that the State committed a Giglio violation by failing to disclose favorable promises made to a witness against Ortiz in exchange for her testimony. See Giglio v. United States, 405 U.S. 150 (1972). We issued an order in this case directing the State to file a brief specifically

addressing this claim. In its brief, the State concedes error, acknowledging that the records attached to the trial court's order do not conclusively refute Ortiz's claim.

Based on the State's concession of error, we reverse the summary denial of claim seven of Ortiz's postconviction motion and remand so that the trial court can attach records that conclusively refute the Giglio claim or conduct an evidentiary hearing. In all other respects, the final order denying Ortiz's postconviction motion is affirmed.

AFFIRMED in part; REVERSED in part.

COHEN and EISNAUGLE, JJ., concur.