

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

WILLY FILS MESIDOR,

Appellant,

v.

Case No. 5D19-1867

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 7, 2020

3.850 Appeal from the Circuit Court
for Orange County,
Denise Beamer, Judge.

Willy Fils Mesidor, Lake City, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Rebecca Rock
McGuigan, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

Willy Fils Mesidor appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. The records attached do not conclusively refute Mesidor's third claim for relief, which alleges that his trial counsel was ineffective for failing to secure Giovannie Avril's testimony through subpoena. Therefore, we reverse and remand for the trial court to either provide attachments that conclusively refute this claim, or hold an evidentiary hearing. See, e.g., Rivera v. State,

264 So. 3d 398, 399–400 (Fla. 5th DCA 2019) (citing Reynolds v. State, 227 So. 3d 220, 221 (Fla. 5th DCA 2017)). We affirm the summary denial of all other claims.

AFFIRMED in part; REVERSED in part; and REMANDED.

ORFINGER, EDWARDS and SASSO, JJ., concur.