

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

JUAN F. PEREZ,

Appellant,

v.

Case No. 5D20-569

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 2, 2020

3.850 Appeal from the Circuit
Court for Hernando County,
Daniel B. Merritt, Jr., Judge.

Juan F. Perez, Graceville, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Juan F. Perez appeals the summary denial of his second amended motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm as to Grounds One, Two, Four, and Five.

We affirm in part and reverse in part as to Ground Three.¹ The postconviction court summarily denied part of this ground relating to a victim’s credibility. Perez abandoned this argument on appeal, and we affirm. The postconviction court did not, however, address the remaining part, in which Perez alleges newly discovered evidence in the form of an affidavit claiming that two victims conspired to lie at trial. We remand for attachment of portions of the record refuting that claim or for an evidentiary hearing. See *Vaughan v. State*, 205 So. 3d 879, 880 (Fla. 5th DCA 2016).

AFFIRMED in part, REVERSED in part, and REMANDED.

ORFINGER, WALLIS and TRAVER, JJ., concur.

¹ Perez initially advanced seventeen grounds for relief. He abandoned all but five and renumbered them on appeal. “Ground Three” in Perez’s amended initial brief corresponds to Ground Fifteen in Perez’s second amended motion for postconviction relief.