

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

FREDDIE LEE MCKIVER,

Appellant,

v.

Case No. 5D20-1045

STATE OF FLORIDA,

Appellee.

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Opinion filed January 29, 2021

3.850 Appeal from the Circuit  
Court for Volusia County,  
James R. Clayton, Judge.

Freddie Lee McKiver, Lowell, pro se.

Ashley Moody, Attorney General,  
Tallahassee, and Pamela J. Koller,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM.

Freddie Lee McKiver appeals the denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We reverse the summary denial of Ground 1(c) and remand for attachment of portions of the record refuting that claim or an evidentiary hearing. *See Goldman v. State*, 57 So. 3d 274, 276–77 (Fla. 4th DCA 2011). We affirm in all other respects.

AFFIRMED in part, REVERSED in part, and REMANDED.

ORFINGER, EISNAUGLE and TRAVER, JJ., concur.