

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

WILLIAM FERGUSON,

Appellant,

v.

Case No. 5D12-4662

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 25, 2013

3.850 Appeal from the Circuit
Court for Lake County,
Lawrence J. Semento, Judge.

William Ferguson, Bristol, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Robin A. Compton,
Assistant Attorney General, Daytona Beach,
for Appellee.

COHEN, J.

William Ferguson appeals from the order denying his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. Ferguson was convicted of numerous sex offenses against his stepchildren. His rule 3.850 motion raised seven claims of ineffective assistance of counsel. The trial court summarily denied six of those claims and denied the remaining claim following an evidentiary hearing. We affirm the trial court's denial of claims one, two, three, five, six, and seven. However, we reverse the trial court's summary denial of Ferguson's fourth claim

regarding trial counsel's failure to request a jury instruction on the lesser-included offense of unnatural and lascivious act. We remand for an evidentiary hearing on that claim.

AFFIRMED in part; REVERSED in part; and REMANDED.

PALMER and WALLIS, JJ., concur.