

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

MARK ROCHELLE BOLEN,  
  
Appellant,

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

v.

CASE NO. 1D07-1177

STATE OF FLORIDA,  
  
Appellee.

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Opinion filed October 19, 2007.

An appeal from the Circuit Court for Alachua County.  
Peter K. Sieg, Judge.

Mark Rochelle Bolen, pro se, Appellant.

Bill McCollum, Attorney General, and Charlie McCoy, Senior Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

KAHN and ROBERTS, JJ., CONCUR; BROWNING, C.J., CONCURS IN PART  
AND DISSENTS IN PART BY SEPARATE OPINION.

BROWNING, C.J., concurring in part and dissenting in part.

I respectfully dissent from the majority opinion, as to Issue Two asserted by the Appellant. The record in this case simply does not support a summary denial of Appellant's post-conviction motion. See Gillion v. State, 573 So. 2d 810 (Fla. 1991). Accordingly, I would REVERSE and REMAND for an evidentiary hearing on Issue Two, and I CONCUR as to all remaining issues.