

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

RAYMOND J. CARTER,

Appellant,

v.

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

CASE NO. 1D07-2203

STATE OF FLORIDA,

Appellee.

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Opinion filed December 26, 2007.

An appeal from the Circuit Court for Duval County.

L. P. Haddock, Judge.

Raymond J. Carter, pro se, Appellant.

Bill McCollum, Attorney General, and Joshua R. Heller, Assistant Attorney  
General, Tallahassee, for Appellee.

PER CURIAM.

Appellant, Raymond J. Carter, appeals the trial court's summary denial of his  
postconviction relief motion filed pursuant to Florida Rule of Criminal Procedure

3.850. We affirm the order as to the trial court’s denial of appellant’s claim that defense counsel was ineffective for failing to call Mary Peeples as a witness because the claim is conclusively refuted by the record. However, appellant’s remaining claims, which are facially sufficient, are not conclusively refuted by record attachments. See Peede v. State, 748 So. 2d 253, 257 (Fla. 1999) (“To uphold a trial court’s summary denial of claims raised in a rule 3.850 motion, the claims must be either facially invalid or conclusively refuted by the record.”).

Accordingly, we AFFIRM in part, REVERSE in part, and REMAND for an evidentiary hearing or for the court to attach those portions of the record that conclusively refute the remaining claims.

BROWNING, C.J., BARFIELD, and DAVIS, JJ., CONCUR.