

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

HOWARD CARL MCLEES,
Appellant,

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

v.

CASE NO. 1D10-6510

STATE OF FLORIDA,
Appellee.

Opinion filed August 31, 2011.

An appeal from the Circuit Court for Columbia County.
Leandra G. Johnson, Judge.

Howard Carl McLees, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant seeks review of the trial court's order summarily denying his
motions and amended motions for postconviction relief filed pursuant to Florida

Rule of Criminal Procedure 3.850. He makes several arguments on appeal, only one of which has merit. He argues that the trial court erred in summarily denying his claim that defense counsel was ineffective for affirmatively misadvising him that he was not eligible for conditional release supervision without attaching portions of the record that conclusively refuted the claim. We agree and reverse and remand for record attachments that conclusively refute the claim or for an evidentiary hearing. See Colombo v. State, 972 So. 2d 1101 (Fla. 1st DCA 2008).

AFFIRMED in part; REVERSED and REMANDED in part.

BENTON, C.J., ROBERTS, and RAY, JJ., CONCUR.