

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

JANUARY TERM 2005

WILLIAM MULLEN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

CASE NO. 4D04-3274

State, 821 So. 2d 364 (Fla. 1st DCA 2002).

Consequently, we reverse the trial court's summary denial of claim two and remand for attachment of portions of the record refuting that claim, or for an evidentiary hearing.

STEVENSON, GROSS and HAZOURI, JJ.,
concur.

***NOT FINAL UNTIL DISPOSITION OF ANY
TIMELY FILED MOTION FOR REHEARING.***

Opinion filed January 12, 2005

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; John J. Murphy, III, Judge; L.T. Case Nos. 02-3482CF10A and 02-9819 CF10A.

William Mullen, Arcadia, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Donna M. Hoffmann, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

William Mullen appeals a trial court order which summarily denied his motion for post-conviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm the summary denial of all claims except for claim two.

In claim two, Mullen alleged ineffective assistance of his trial counsel for failure to ensure that his guidelines sentence was correctly scored. Appellant alleged that this ineffective assistance of counsel led him to enter his pleas and that he would not have done so had he known of the scoresheet error. The trial court failed to attach portions of the record which refute that claim. See Richardson v. State, 829 So. 2d 364 (Fla. 1st DCA 2002); Brazeal v.