

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JAMES MEREDITH CLIFTON,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D06-692

Opinion filed June 14, 2006.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Robert A.
Foster, Jr., Judge.

PER CURIAM.

James Meredith Clifton appeals the postconviction court's order on his motion for postconviction relief filed in accordance with Florida Rule of Criminal Procedure 3.850. In his motion, Clifton alleged two claims for relief. In its order, the postconviction court granted the relief Clifton requested in claim one of his motion but failed to address Clifton's second claim. Therefore, we reverse and remand for the postconviction court to reconsider Clifton's motion. On remand, if the postconviction court summarily denies Clifton's second claim, it must set forth its reasoning and attach

any portions of the record that conclusively refute Clifton's claim. See Carroll v. State, 914 So. 2d 1014 (Fla. 2d DCA 2005); O'Neill v. State, 861 So. 2d 1234 (Fla. 2d DCA 2003).

Affirmed in part, reversed in part, and remanded for further proceedings.

STRINGER, SILBERMAN, and WALLACE, JJ., Concur.