

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JOE DAWSON,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
_____)

CASE NO. 2D01-3139

Opinion filed October 19, 2001.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court
for Manatee County;
Charles E. Williams, Judge.

GREEN, Acting Chief Judge.

Joe Dawson timely appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. In Dawson's motion, he alleged that his trial counsel was ineffective for failing to investigate three alibi witnesses. He has made a facially sufficient claim under Robinson v. State, 659 So. 2d 444 (Fla. 2d DCA 1995). We reverse and remand for further proceedings. If the

trial court again denies this claim on remand, the trial court must attach documents that conclusively refute the claim.

Reversed and remanded.

CASANUEVA and STRINGER, JJ., Concur.