

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

JULY TERM 2008

SHAWN L. BROCK,

Appellant,

v.

Case No. 5D08-1200

STATE OF FLORIDA,

Appellee.

/

Opinion filed August 29, 2008

3.850 Appeal from the Circuit
Court for Orange County,
Stan Strickland, Judge.

Shawn L. Brock, Orlando, Pro Se.

Bill McCollum, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Shawn L. Brock appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We affirm without comment the trial court's order in all respects except as to claim six. Brock's claim six is facially sufficient and has not been refuted by the record. Brock is entitled to an evidentiary hearing as to that claim. Nelson v. State, 875 So. 2d 579 (Fla. 2004);

Jacobs v. State, 880 So. 2d 548 (Fla. 2004). Therefore, we reverse and remand for an evidentiary hearing on claim six.

AFFIRMED IN PART; REVERSED IN PART and REMANDED.

GRiffin, ORFINGER and TORPY, JJ., concur.