

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

JANUARY TERM 2009

FREDERICK VANAUKEN,

Appellant,

v.

Case No. 5D08-2995

STATE OF FLORIDA,

Appellee.

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Opinion filed January 30, 2009

3.850 Appeal from the Circuit Court  
for Hernando County,  
Stephen Rushing, Judge.

Mark D. Rodriguez, of Law Office of  
Mark D. Rodriguez, Inverness, for  
Appellant.

Bill McCollum, Attorney General, Tallahassee,  
and Bonnie Jean Parrish, Assistant Attorney  
General, Daytona Beach, for Appellee.

PER CURIAM.

Frederick Vanauken appeals from the summary denial of his motion for post-conviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. The State appropriately concedes error as to claims 4, 5, 11, and 12. On remand, the trial court shall attach to its order portions of the record conclusively refuting these claims or, alternatively, conduct an evidentiary hearing. The remainder of the trial court's order is affirmed.

AFFIRMED, in part; REVERSED, in part; REMANDED.

GRIFFIN, LAWSON and EVANDER, JJ., concur.