

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2025-1009

ISAIAH ANDREW CLARK,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Alachua County.
James M. Colaw, Judge.

May 13, 2026

PER CURIAM.

In this belated appeal, Isaiah Andrew Clark challenges the final order denying his motion for postconviction relief on all ten grounds alleging ineffective assistance of trial counsel. We find that the court erred in summarily denying ground nine. We affirm the denial of the remaining grounds.

If the claim is legally sufficient, unless the record shows conclusively that the appellant is entitled to no relief, the order must be reversed and the cause remanded for an evidentiary hearing or other appropriate relief. *See* Fla. R. App. P. 9.141(b)(1)(D); *Griggs v. State*, 995 So. 2d 994, 995 (Fla. 1st DCA 2008) (“We review the summary denial of claims for postconviction

relief to determine whether the claims are legally sufficient and whether they are conclusively refuted by the record.”).

In ground nine of his motion, Appellant alleged that counsel was ineffective for failing to object to jury instructions as unsupported by the evidence, which he claims confused and misled the jury. The court found that this ground was conclusively refuted by the record, which it asserted showed that the jury instructions mirrored the standard jury instructions for both counts.

The court’s order suggests that it intended to attach the jury instructions that were read to the jury. But the record on appeal does not include the jury instructions. This ground is therefore not conclusively refuted by the record. We reverse the portion of the order summarily denying ground nine and remand with instructions that the postconviction court attach to its order portions of the record that conclusively refute the claim. *See Pantoja v. State*, 226 So. 3d 1043, 1045–46 (Fla. 1st DCA 2017).

AFFIRMED in part; REVERSED in part; REMANDED.

KELSEY, M.K. THOMAS, and LONG, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Isaiah Andrew Clark, pro se, Appellant.

James Uthmeier, Attorney General, and Heather F. Ross, Assistant Attorney General, Tallahassee, for Appellee.