

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-0287
LT Case No. 2002-000373-CFAWS

TODD ERIC DUGAN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

3.850 appeal from the Circuit Court for Volusia County.
Randall H. Rowe, III, Judge.

Todd Eric Dugan, Lake City, pro se.

Ashley Moody, Attorney General, Tallahassee, and Stephen R.
Putnam, Jr., Assistant Attorney General, for Appellee.

December 20, 2024

PER CURIAM.

Appellant, Todd Eric Dugan, appeals the summary denial of his Florida Rule of Criminal Procedure 3.850 postconviction motion. In Ground One, Appellant included four separate claims of ineffective assistance of counsel which allegedly prejudiced him, as his probation was revoked and he was sentenced to fifteen years

in prison.¹ We acknowledge that Appellant's motion was hardly the model of clarity or organization. We affirm as to the denial of the substance of claims 2 and 3 without further discussion. However, because the postconviction court failed to address the allegations set forth in claims 1 and 4, we reverse and remand for the postconviction court to consider those two claims and to issue an appropriate order. *See Padro-Guerrero v. State*, 123 So. 3d 670, 671 (Fla. 5th DCA 2013).

On remand, the postconviction court must either conduct an evidentiary hearing on those two claims or attach the records that conclusively refute the claims. *See Fla. R. Crim. P. 3.850(f)*.

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

EDWARDS, C.J., and EISNAUGLE and SOUD, JJ., concur.

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

¹ Appellant's direct appeal to this Court of his underlying conviction for home invasion with a firearm, and two counts of false imprisonment was per curiam affirmed without opinion. *Dugan v. State*, 861 So. 2d 1169 (Fla. 5th DCA 2003). His direct appeal to this Court from the subsequent violation of probation judgment and sentence was per curiam affirmed without opinion. *Dugan v. State*, 376 So. 3d 718 (Fla. 5th DCA 2023).