

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

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

RAUL ROSADO,

Appellant,

v.

Case No. 5D16-3113

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed March 17, 2017

3.850 Appeal from the Circuit Court
for Orange County,
Greg A. Tynan, Judge.

Raul Rosado, Miami, pro se.

No Appearance for Appellee.

PER CURIAM.

Raul Rosado appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. We reverse the summary denial of Rosado's claim that his attorney failed to object to a sleeping juror. See, e.g., *Collins v. State*, 200 So. 3d 163, 166 (Fla. 5th DCA 2016) ("Typically, a claim of ineffective assistance of counsel for failing to object to a sleeping juror should not be summarily denied.").

On remand, the trial court shall attach records conclusively denying this claim or hold an evidentiary hearing. We affirm the summary denial of Rosado's other claims.

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

TORPY, EVANDER and EDWARDS, JJ., concur.