

Third District Court of Appeal

State of Florida, January Term, A.D. 2009

Opinion filed February 4, 2009.
Not final until disposition of timely filed motion for rehearing.

No. 3D08-3015
Lower Tribunal No. 07-43127

Eugene Jackson,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Spencer Eig, Judge.

Eugene Jackson, in proper person.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN, C.J., SHEPHERD, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

This is an appeal of an order summarily denying a motion under Florida Rule of Criminal Procedure 3.800(a). On appeal from a summary denial, this

Court must reverse unless the postconviction record shows conclusively that the appellant is entitled to no relief. See Fla. R. App. P. 9.141(b)(2) (A), (D).

Because the trial court denied relief without attaching records, we must reverse and remand for attachment of records conclusively showing that the appellant is not entitled to any relief or an evidentiary hearing. Langdon v. State, 947 So. 2d 460 (Fla. 3d DCA 2006).

Reversed and remanded for further proceedings.