

Third District Court of Appeal

State of Florida, January Term, A.D. 2010

Opinion filed February 17, 2010.
Not final until disposition of timely filed motion for rehearing.

No. 3D09-3510
Lower Tribunal No. 06-34231C

Gerald Lelieve,
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, Sarah Zabel, Judge.

Gerald Lelieve, in proper person.

Bill McCollum, Attorney General, for appellee.

Before GERSTEN, SHEPHERD, and SUAREZ, JJ.

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 post-conviction record, see Fla. R. App. P. 9.141(b)(2)(A), shows conclusively that the appellant is entitled to no relief. See Fla. R. App. P. 9.141(b)(2)(D).

The appellant claims the trial court incorrectly assessed points on his scoresheet for seven previously charged offenses. Because the trial court summarily denied the motion without attaching appropriate portions of the record refuting the appellant's claim, we reverse the order and remand for further proceedings or for the attachment of record excerpts conclusively showing the appellant is not entitled to any relief. See Atwood v. State, 765 So. 2d 242, 243 (Fla. 1st DCA 2000).

Reversed and remanded for further proceedings.