

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

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

LEVIE BELL,

Appellant,

v.

CASE NO. 1D09-6020

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed April 13, 2010.

An appeal from the Circuit Court for Duval County.
Elizabeth A. Senterfitt, Judge.

Levie Bell, pro se, Appellant.

Bill McCollum, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the summary denial of his motion filed pursuant to
Florida Rule of Criminal Procedure 3.800(a). The postconviction court indicated
that the appellant previously raised an identical claim in a prior motion. However,

the postconviction court failed to provide any attachments that would refute the appellant's claim or demonstrate that this claim had previously been addressed on the merits.

We therefore reverse the summary denial of the appellant's rule 3.800(a) motion and remand either for the postconviction court to attach portions of the record that conclusively refute the appellant's claim or for further proceedings. See Maddox v. State, 870 So. 2d 956 (Fla. 1st DCA 2004).

REVERSED AND REMANDED.

WEBSTER, LEWIS, and ROBERTS, JJ., CONCUR.