

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

JULY TERM 2009

LUIS MANUEL PEREZ,

Appellant,

v.

Case No. 5D09-2526

STATE OF FLORIDA,

Appellee.

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Opinion filed September 11, 2009

3.850 Appeal from the Circuit Court
for Orange County,
Jenifer Davis, Judge.

Luis Manuel Perez, Coleman, Pro Se.

Bill McCollum, Attorney General,
Tallahassee, and Allison Leigh
Morris, Assistant Attorney General,
Daytona Beach, for Appellee.

PER CURIAM.

CONFESSION OF ERROR

Luis Manuel Perez filed a facially sufficient motion for postconviction relief under Florida Rule of Criminal Procedure 3.850. The trial court summarily denied the motion without attaching any records to conclusively refute Perez's claims of ineffective assistance of trial counsel. The State properly concedes error.

We reverse. On remand, the trial court shall either attach records that conclusively refute Perez's claims or conduct an evidentiary hearing.

REVERSED AND REMANDED.

GRIFFIN, SAWAYA and ORFINGER, JJ., concur.