

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

JULY TERM 2009

PATRICK J. PIERNI,

Appellant,

v.

Case No. 5D09-3165

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 18, 2009

3.850 Appeal from the Circuit Court
for Orange County,
Robert J. Egan, Judge.

Patrick J. Pierni, Crawfordville,
pro se.

Bill McCollum, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for appellee.

PER CURIAM.

Pierni appeals from the summary denial of his Rule 3.850¹ motion for post-conviction relief. As the State concedes, the first two grounds for relief set forth in Pierni's motion were facially sufficient. However, the trial court failed to provide any rationale or specific reference to the record to support its denial of relief. Accordingly, as to these grounds, we reverse the trial court's order and remand to either attach

¹ Fla. R. Crim. P. 3.850.

documents conclusively refuting Pierni's allegations or hold an evidentiary hearing. *Perez v. State*, 17 So. 3d 344 (Fla. 5th DCA 2009). We affirm the trial court's summary denial of Pierni's third ground for relief.

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

PALMER, EVANDER and JACOBUS, JJ., concur.