

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

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

DERYCK LEE KATWAROO,

Appellant,

v.

Case No. 5D21-1034

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 10, 2021

3.802 Appeal from the Circuit Court
for Orange County,
Elaine A. Barbour, Judge.

Deryck Lee Katwaroo, Okeechobee,
pro se.

Ashley Moody, Attorney General,
Tallahassee, and Carmen F. Corrente,
Assistant Attorney General, Daytona
Beach, for Appellee.

HARRIS, J.

Deryck Lee Katwaroo (“Appellant”) is seeking review of the
postconviction court’s order summarily denying as successive his pro se

Florida Rule of Criminal Procedure 3.802 “Motion for Review Sentences for Juvenile Offenders.” The court did not attach any records to support its finding. This was error. See Fla. R. App. P. 9.141(b)(2)(D) (providing that an appellate court “shall” reverse summary denial of relief on a postconviction motion, including those filed pursuant to Rule 3.802, “unless the record shows conclusively that the appellant is entitled to no relief” and the cause will be “remanded for an evidentiary hearing or other appropriate relief”); see also Weiland v. State, 45 Fla. L. Weekly D1284 (Fla. 5th DCA May 29, 2020) (finding postconviction court erred when it summarily denied appellant’s Rule 3.802 “Motion for Review of Juvenile Sentence” without attaching transcripts to order conclusively refuting appellant’s claims for relief).

Accordingly, we reverse and remand for the postconviction court to attach records to conclusively prove that Appellant is not entitled to relief or to hold a judicial review hearing.

REVERSED and REMANDED.

LAMBERT, C.J. and SASSO, J., concur.