

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

KEVIN EARL TAYLOR,

Appellant,

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

v.

CASE NO. 1D09-0783

STATE OF FLORIDA,

Appellee.

Opinion filed August 12, 2009.

An appeal from the Circuit Court for Okaloosa County.
Keith Brace, Judge.

Kevin Earl Taylor, pro se, Appellant.

Bill McCollum, Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. In his motion, appellant alleges that he was improperly ordered to pay restitution without the trial court's conducting a hearing with appellant present, to determine

appellant's ability to pay. We REVERSE and REMAND for the trial court to attach documentation conclusively refuting appellant's claim or for an evidentiary hearing. See Donaldson v. State, 985 So. 2d 63 (Fla. 2d DCA 2008); Durden v. State, 582 So. 2d 1256 (Fla. 1st DCA 1991).

BARFIELD, KAHN, and VAN NORTWICK, JJ., CONCUR.