

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2005

WILLIAM GOLDBACH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D05-99

[July 13, 2005]

PER CURIAM.

William Goldbach challenges the trial court's summary denial of his motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Goldbach challenges his qualification for Prison Releasee Reoffender sentencing. We find the claim to be legally sufficient and not refuted by the record. We therefore reverse the trial court's summary denial and remand for the trial court to attach portions of the record that conclusively refute the appellant's claim or to grant appropriate relief.

GUNTHER, WARNER and TAYLOR, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Ana I. Gardiner, Judge; L.T. Case Nos. 01-9007 CF10A, 01-9547 CF10A & 01-20013 CF10A.

William Goldbach, Madison, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.