

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*January Term 2007*

**GERALD L. SMITH,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-1312

[May 30, 2007]

PER CURIAM.

The order denying appellant's motion for postconviction relief is summarily reversed. When a trial court denies a rule 3.850 motion without an evidentiary hearing, it must "either state its rationale in its decision or attach those specific parts of the record that refute each claim presented in the motion." *Anderson v. State*, 627 So. 2d 1170, 1171 (Fla. 1993) (citing *Hoffman v. State*, 571 So. 2d 449, 450 (Fla. 1990)). The trial court's order in this case does neither.

*Reversed and remanded for further proceedings.*

STEVENSON, C.J., WARNER and TAYLOR, JJ., concur.

\* \* \*

Appeal of order denying rule 3.850 motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 2004CF005970AXX.

Gerald L. Smith, Belle Glade, pro se.

No appearance required for appellee.

***Not final until disposition of timely filed motion for rehearing.***