

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

**CARL POITIER,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-3305

[October 31, 2007]

PER CURIAM.

The appellant filed a motion to correct illegal sentence claiming he did not qualify for a habitual felony offender enhancement due to a lack of sequential convictions. The lower court denied appellant's motion, citing to records that conclusively refuted the allegation. However, the records were merely cited and not attached. As such, we are compelled to reverse and remand for attachment of those records. *See Bennett v. State*, 946 So. 2d 84 (Fla. 4th DCA 2006) (reversing the denial of a rule 3.800(a) motion because the order on appeal did not include record attachments that refuted the allegations of the motion).

SHAHOOD, C.J., GUNTHER and MAY, 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 No. 05-14456 CF10A.

Carl Poitier, Blountstown, pro se.

Bill McCollum, Attorney General, Tallahassee, and James J. Carney, Assistant Attorney General, West Palm Beach, for appellee.

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