

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

ALGER ELLISON,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-4023

[February 6, 2008]

PER CURIAM.

Alger Ellison appeals the summary denial of his motion to correct illegal sentence, filed pursuant to rule 3.800(a). The lower court received the motion on Friday, September 14, 2007 and denied the motion by order dated Monday, September 17, 2007, without explanation or attachment of any records which conclusively refute the claims. We reverse the order on appeal and remand for further proceedings. See *Taylor v. State*, 32 Fla. L. Weekly D2425 (Fla. 4th DCA Oct. 10, 2007); *Hayes v. State*, 958 So. 2d 571 (Fla. 4th DCA 2007).

Reversed.

SHAHOOD, C.J., GROSS and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Edward A. Garrison, Judge; L.T. Case No. 2000CF004026AXX.

Alger Ellison, Punt Gorda, pro se.

Bill McCollum, Attorney General, Tallahassee, and Joseph Tringali, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing