

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

MICHAEL GASSAWAY,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D08-863

Opinion filed November 19, 2008.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Hillsborough County; Mark R. Wolfe,
Judge.

KHOUZAM, Judge.

Michael Gassaway seeks review of the summary denial of a motion and an amended motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Like the order that was reversed by this court in Lott v. State, 865 So. 2d 637 (Fla. 2d DCA 2004), the order summarily denying relief in the present appeal does not contain an explanation for the court's ruling, include record attachments, or alert the defendant to his right to appeal within thirty days. Accordingly, we reverse the

order and remand for reconsideration of Gassaway's motion and amended motion. If the trial court again summarily denies the motions, it must set forth its rationale and attach any relevant portions of the record which support its denial.

Reversed and remanded.

CASANUEVA and WALLACE, JJ., Concur.