

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JORGE PEREZ,)
)
Appellant,)
)
v.) Case No. 2D10-4838
)
STATE OF FLORIDA,)
)
Appellee.)
_____)

Opinion filed May 11, 2011.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Pinellas County; Dee Anna Farnell,
Judge.

Jorge Perez, pro se.

WHATLEY, Judge.

Jorge Perez filed a motion to vacate plea, judgment, and sentence
pursuant to Florida Rule of Criminal Procedure 3.850. The postconviction court issued
an order and explained simply that the court heard legal argument at a September 3,
2010, hearing, made findings on the record at that hearing, and denied the motion
under the totality of the circumstances. However, the postconviction court did not attach

a copy of the transcript of this hearing to its order, and the clerk of the circuit court has verified that no transcript of this hearing has been filed in the circuit court record.

The problem this court encounters with the postconviction court's order is not unlike that created when a postconviction judge simply stamps "denied" on a motion: we are left to review a barebones order without any insight into the court's reasoning. See Dorsey v. State, 36 So. 3d 690, 690 (Fla. 2d DCA 2009); Suleiman v. State, 861 So. 2d 1175, 1175-1176 (Fla. 2d DCA 2003). When denying a motion for postconviction relief, the court "must provide an explanation of the reasons for the denial and attach any relevant portions of the record to support the denial." Perry v. State, 872 So. 2d 1017, 1017 (Fla. 2d DCA 2004).

Accordingly, we reverse this order. On remand, if the postconviction court again summarily denies the motion, it shall enter an explanatory order and attach relevant portions of the record to refute Mr. Perez's claim.

Reversed and remanded.

CRENSHAW and BLACK, JJ., Concur.