

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2005

ROBERT MESTRES,	**
Appellant,	**
vs.	** CASE NO. 3D05-2182
THE STATE OF FLORIDA,	** LOWER
Appellee.	** TRIBUNAL NO. 91-32709

Opinion filed December 7, 2005.

An Appeal under Fla. R. App. P. 9.141(b)(2) from the Circuit Court of Miami-Dade County, David C. Miller, Judge.

Robert Mestres, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before FLETCHER, RAMIREZ, and SUAREZ, JJ.

PER CURIAM.

This is an appeal of an order summarily denying a motion under Florida Rule of Criminal Procedure 3.800(a). On appeal from a summary denial, this court must reverse unless the post conviction

record shows conclusively that the appellant is entitled to no relief. See Fla. R. App. P. 9.141(b)(2)(A); Fla. R. App. P. 9.141(b)(2)(D).

Because the record now before us fails to make the required showing, we reverse the order and remand for a hearing or for the attachment of record excerpts conclusively showing that the appellant is not entitled to any relief. See Fla. R. Crim. P. 3.800(a).

Reversed and remanded for further proceedings.