

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. 2006

KELVIN STEWART,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

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CASE NO. 3D06-327

LOWER

TRIBUNAL NO. 00-391

Opinion filed December 6, 2006.

An Appeal under Florida Rule of Appellate Procedure  
9.141(b) (2) from the Circuit Court for Miami-Dade County, Sarah  
I. Zabel, Judge.

Ana M. Davide, for appellant.

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

Before RAMIREZ and LAGOA, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

Affirmed. See Anderson v. State, 627 So. 2d 1170, 1171  
(Fla. 1993) ("To support summary denial without a hearing, a

trial court must either state its rationale in its decision or attach those specific parts of the record that refute each claim presented in the motion." )(emphasis added).