

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

SETH D. DISANTO,

Appellant,

v.

Case No. 5D15-2734

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 13, 2016

3.800 Appeal from the Circuit
Court for Citrus County,
Richard A. Howard, Judge.

Seth D. DiSanto, Florida City, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and L. Charlene Matthews,
Daytona Beach, for Appellee.

PER CURIAM.

Seth DiSanto seeks review of the trial court's summary denial of his Florida Rule of Criminal Procedure 3.800(a) motion to correct illegal sentence. In his motion, DiSanto alleges that the trial court erred in relying on certain predicate convictions to support his adjudication as a habitual felony offender. The State properly concedes that the trial court's order, which did not include any attachments, should be reversed. See *Stewart v. State*, 948 So. 2d 870, 871 (Fla. 3d DCA 2007). On remand, if the trial court again

enters an order summarily denying DiSanto's motion, it must attach written portions of the record conclusively refuting DiSanto's claim.

REVERSED and REMANDED for further proceedings.

LAWSON, C.J., PALMER and EVANDER, JJ., concur.