

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

DEBRITTON M. STEVENSON,

Appellant,

v.

Case No. 5D16-1927

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 30, 2016

3.800 Appeal from the Circuit Court
for Hernando County,
Daniel B. Merritt, Jr., Judge.

Debritton M. Stevenson, Madison, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Deborah A. Cheesman,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Debritton Stevenson appeals the trial court's summary denial of his Florida Rule of Criminal Procedure 3.800(a) Motion to Correct Illegal Sentence. In his motion, Stevenson argued that his minimum mandatory sentence for actual possession of a firearm was illegal because the information did not allege that he actually possessed a firearm. Because the trial court did not attach records to support its conclusion that the

minimum mandatory sentence was legal, we are compelled to reverse. See *DiSanto v. State*, 190 So. 3d 694 (Fla. 5th DCA 2016). On remand, if the trial court again enters an order summarily denying Stevenson's motion, it must attach written portions of the record that conclusively refute his claim.

REVERSED and REMANDED for further proceedings.

EVANDER, COHEN and EDWARDS, JJ., concur.