

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

KENDRICK MARCLAIN,

Appellant,

v.

Case No. 5D16-3784

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 24, 2017

3.800 Appeal from the Circuit Court
for Putnam County,
Scott C. Dupont, Judge.

Kendrick Marclain, Blountstown, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Pamela J. Koller,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Kendrick Marclain appeals the summary denial of his “Motion to Correct Illegal Sentence” filed pursuant to Florida Rule of Criminal Procedure 3.800(a). In his motion, Marclain alleged that his written sentence conflicted with the trial court’s oral pronouncement. The postconviction court attached the court minutes to its order, but failed to attach the sentencing hearing transcript. The court minutes were insufficient to

refute Marclain's claim. Although Marclain had the burden to demonstrate an entitlement to relief on the face of the record, the trial court should have afforded him the opportunity to file an amended motion attaching the sentencing transcript. See *Williams v. State*, 957 So. 2d 600, 604 (Fla. 2007) ("If the sentencing transcript is neither in the file nor attached to the motion, the motion should be denied without prejudice to the filing of an amended motion properly attaching the sentencing transcript.").

REVERSED and REMANDED.

SAWAYA and EVANDER, JJ., and JACOBUS, B.W., Senior Judge, concur.