

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D23-2454
LT Case Nos. 2016-CF-1662
2022-CF-0313
2022-CF-0407

MATTHEW WAYNE HURLBURT,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

3.801 appeal from the Circuit Court for Putnam County.
Alicia R. Washington, Judge.

Matthew Wayne Hurlburt, East Palatka, pro se.

No Appearance for Appellee.

December 15, 2023

PER CURIAM.

Matthew Wayne Hurlburt (“Appellant”) appeals the summary denial of his Florida Rule of Criminal Procedure 3.801 motion alleging entitlement to jail credit. In its order, the trial court concluded the motion was without merit, but did not attach the necessary records to the order. *See MacNeill v. State*, 301 So. 3d 471, 472 (Fla. 1st DCA 2020) (“A circuit court summarily denying

a rule 3.801 motion must attach portions of the record that conclusively refute it.” (citation omitted)); *see also* Fla. R. Crim. P. 3.801(e) (incorporating *inter alia* Florida Rule of Criminal Procedure 3.850(f)). We therefore reverse and remand for further proceedings.

REVERSED and REMANDED for further proceedings.

WALLIS, EISNAUGLE, and PRATT, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
