

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

JULY TERM 2011

PAUL MEYER, JR.,

Appellant,

v.

Case No. 5D11-2430

STATE OF FLORIDA,

Appellee.

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Opinion filed September 16, 2011

3.850 Appeal from the Circuit Court
for Lake County,
Lawrence Semento, Judge.

Paul Meyer, Miami, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Wesley Heidt, Assistant
Attorney General, Daytona Beach, for
Appellee.

PER CURIAM.

The Appellant, Paul Meyer, Jr., seeks review of an order summarily denying his motion for postconviction relief, which he filed pursuant to Florida Rule of Criminal Procedure 3.850. The trial court denied Appellant's motion as successive, but did not attach to its denial order the previous motion and denial to demonstrate the successiveness of the motion. See Bryant v. State, 944 So. 2d 1016 (Fla. 3d DCA 2005); Smith v. State, 719 So. 2d 1017 (Fla. 4th DCA 1998).

The order summarily denying post conviction relief is therefore reversed. The cause is remanded to the trial court, either for attachment of the previous motion and denial that demonstrate the successiveness of Appellant's motion or for consideration of the motion on its merits.

REVERSED.

ORFINGER, C.J., PALMER and JACOBUS, JJ., concur.