

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

MIKE E. WHITAKER,

Appellant,

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

v.

CASE NO. 1D03-2621

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed September 5, 2003.

An appeal from the Circuit Court for Clay County.
William A. Wilkes, Judge.

Appellant, pro se.

Charlie Crist, Attorney General; Karen M. Holland, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's order summarily denying his postconviction motion filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Because the trial court failed to attach portions of the record conclusively refuting the appellant's claim for jail credit, we reverse and remand with instructions to either grant relief or attach portions of the record conclusively refuting the appellant's claim. See

Thomas v. State, 634 So. 2d 175, 177(Fla. 1st DCA 1994); Azevedo v. State, 769 So. 2d 1112 (Fla. 2d DCA 2000).

REVERSED and REMANDED.

ALLEN, DAVIS, and BENTON, JJ., CONCUR.