

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

LANCE A. GAYLORD,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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

CASE NO. 1D04-4380

Opinion filed January 13, 2005.

An appeal from the Circuit Court for Lafayette County.  
Julian E. Collins, Judge.

Appellant, pro se.

Charlie Crist, Attorney General; Philip W. Edwards, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

The appellant challenges the trial court's summary denial of his Florida Rule of Criminal Procedure 3.850 motion for postconviction relief. Because the motion states a facially sufficient claim for relief and the trial court failed to attach record portions which conclusively refute the appellant's claim, we reverse and remand the

cause for further proceedings. See Wittmen v. State, 735 So. 2d 538 (Fla. 2d DCA 1999).

REVERSED and REMANDED.

ERVIN, KAHN, and BENTON, JJ., CONCUR.