

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D17-2372

EURIELL LAIDLER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Leon County.
Martin A. Fitzpatrick, Judge.

February 20, 2018

PER CURIAM.

The appellant challenges the denial of his postconviction motion brought pursuant to Florida Rule of Criminal Procedure 3.850, which argued that his attorney provided ineffective assistance by failing to file a motion to suppress the victims' out-of-court and in-court identifications. The trial court summarily denied the motion, concluding that the appellant had not shown a deficient performance by counsel or any resulting prejudice. However, the court did not attach to the order records that conclusively refute the appellant's claim. *See Fla. R. Crim. P. 3.850(f)(4)* ("A copy of the portion of the files and records in the case that conclusively shows that the defendant is not entitled to relief as to one or more claims shall be attached to the order summarily denying these claims.").

In response to this Court's order, the state concedes that the trial court's order is insufficient to support the summary denial of the appellant's motion due to the court's failure to attach documents. We, therefore, reverse and remand for the attachment of records that conclusively refute the appellant's claim or for an evidentiary hearing. *See Ortiz v. State*, 968 So. 2d 681, 684 (Fla. 1st DCA 2007).

REVERSED and REMANDED for further proceedings consistent with this opinion.

ROBERTS, ROWE, and WINOKUR, JJ., concur.

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

Euriell Laidler, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Thomas H. Duffy, Assistant Attorney General, Tallahassee, for Appellee.