

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-4764

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WILBERT MOORE, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Duval County.  
Waddell A. Wallace, Judge.

February 18, 2019

PER CURIAM.

Appellant challenges the trial court's summary denial of his 3.850 motion. We agree with Appellant that the court failed to attach portions of the record that conclusively establish that Appellant is not entitled to relief. We reverse the trial court's order and remand for the court to hold an evidentiary hearing on Appellant's ineffective assistance claim, or to attach portions of the record (not merely the State's response to the motion) that conclusively refute Appellant's claims. *Morrison v. State*, 860 So. 2d 458, 460 (Fla. 1st DCA 2003); *see Skellie v. State*, 849 So. 2d 1220, 1221 (Fla. 5th DCA 2003).

RAY, KELSEY, and JAY, JJ., concur.

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

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Wilbert Moore, Jr., pro se, Appellant.

Ashley B. Moody, Attorney General; Trisha Meggs Pate, Assistant Attorney General; and Robert Quentin Humphrey, Assistant Attorney General, Tallahassee, for Appellee.