

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT

**AARON TAYLOR,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D16-1664

[October 26, 2016]

Appeal of order denying rule 3.801 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case No. 13-2186 CF10A.

Aaron Taylor, Panama City, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Matthew Steven Ocksrider, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Aaron Taylor appeals an order summarily denying his rule 3.801 motion, which sought an additional 204 days of jail credit. The trial court denied the motion based on the State's assertion that it was appellant's burden to show his entitlement to relief by providing documentation of the service date of the *capias* in question. Neither the State nor the trial court contended that the motion was legally insufficient.

The State now concedes that the trial court was required to attach records conclusively refuting appellant's claim, or to conduct an evidentiary hearing. *See Williams v. State*, 141 So. 3d 686, 687 (Fla. 4th DCA 2014) (citing Fla. R. Crim. P. 3.801(e), which incorporates the provisions of rule 3.850(f)). Accordingly, we reverse and remand for the trial court to follow this procedure. *See Sims v. State*, 190 So. 3d 688, 689 (Fla. 4th DCA 2016) (reversing the denial of a similar claim, and remanding for the trial court to attach records or to conduct an evidentiary hearing).

*Reversed and Remanded.*

WARNER, MAY and KLINGENSMITH, JJ., concur.

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***Not final until disposition of timely filed motion for rehearing.***