

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2006

JAMES EUBANKS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D06-3405

[November 1, 2006]

PER CURIAM.

The order denying the appellant's rule 3.800(a) motion to correct illegal sentence is reversed, and the case is remanded to the lower court for attachment of records that conclusively refute the allegations in the motion. *See Fenelon v. State*, 932 So. 2d 431 (Fla. 4th DCA 2006) (reversing because the "trial court failed to attach record evidence to refute the facially sufficient claim") (citing *Johnson v. State*, 665 So. 2d 380 (Fla. 4th DCA 1996)).

GUNTHER, POLEN and SHAHOOD, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Paul L. Backman, Judge; L.T. Case Nos. 02-10333 CF10A & 02-11008 CF10A.

James Eubanks, Indiantown, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Myra J. Fried, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.