

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2009

MICHAEL WALKES,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-4305

[June 3, 2009]

PER CURIAM.

Michael Walkes filed a rule 3.850 motion seeking postconviction relief. The trial judge denied the motion without ordering a response from the state or attaching records to refute the claims. The court also did not state any reason for the denial in its order. As a result, we must reverse and remand for further review of the motion. *See, e.g., Terry v. State*, 970 So.2d 863 (Fla. 4th DCA 2007) (citing *Smith v. State*, 956 So.2d 1266, 1267 (Fla. 4th DCA 2007)); *see also* Fla. R. Crim. P. 3.850(d); *Hayes v. State*, 958 So.2d 571 (Fla. 4th DCA 2007); *Dieudonne v. State*, 958 So.2d 516 (Fla. 4th DCA 2007).

Reversed and remanded.

GROSS, C.J., WARNER and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Andrew L. Siegel, Judge; L.T. Case Nos. 95-8349CF10A 95-10199CF10A.

Michael Walkes, Indiantown, pro se.

Bill McCollum, Attorney General, and Sue-Ellen Kenny, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.