

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

TERRANCE D. CARNES,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D12-3716

Opinion filed February 22, 2013.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Manatee County; Thomas Krug,
Judge.

Terrance D. Carnes, pro se.

BLACK, Judge.

Terrance D. Carnes appeals the order summarily denying his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850. In denying Carnes' four claims, the postconviction court rendered an order explaining how the record refuted each claim, but it did not attach the relevant portions of the record. See Fla. R. Crim. P. 3.850(d) ("In those instances when the denial is not predicated on the legal insufficiency of the motion on its face, a copy of that portion of the files and

records that conclusively shows that the movant is entitled to no relief shall be attached to the order."); Gatlin v. State, 24 So. 3d 743, 745 (Fla. 2d DCA 2009). Accordingly, we reverse and remand with directions to the postconviction court to attach the portions of the record that refute Carnes' claims.

Reversed and remanded with directions.

ALTENBERND and WALLACE, JJ., Concur.