

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM A.D., 2005

ADED BAEZ,

Appellant,

vs.

THE STATE OF FLORIDA,

Appellee.

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\*\* CASE NO. 3D05-1886

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\*\* LOWER

TRIBUNAL NO. 03-2249

\*\* 03-77

Opinion filed September 28, 2005.

An Appeal from the Circuit Court for Miami-Dade County,  
David C. Miller, Judge.

Aded Baez, in proper person.

Charles J. Crist, Jr., Attorney General, for appellee.

Before COPE, C.J., and SHEPHERD, J., and SCHWARTZ, Senior Judge.

PER CURIAM.

This is an appeal of an order summarily denying a motion under  
Florida Rule of Criminal Procedure 3.800(a). On appeal from a  
summary denial, this court must reverse unless the postconviction

record, see Fla. R. App. P. 9.141(b)(2)(A), shows conclusively that the appellant is entitled to no relief. See id.; Fla. R. App. P. 9.141(b)(2)(D).

Because the record now before us fails to make the required showing, we reverse the order and remand for a hearing or for the attachment of record excerpts conclusively showing that the appellant is not entitled to any relief. See id.; see also Nish v. State, 30 Fla. L. Weekly D1801 (Fla. 3d DCA July 27, 2005).

Reversed and remanded for further proceedings.