

Third District Court of Appeal

State of Florida, July Term, A.D. 2012-

Opinion filed October 3, 2012.

Not final until disposition of timely filed motion for rehearing.

No. 3D12-2094

Lower Tribunal No. 95-201A, 91-30804B

D'Andre Rolack,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Stacy D. Glick, Judge.

D'Andre Rolack, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before WELLS, C.J., and SHEPHERD and SALTER, JJ.

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 Fla. R. App. P. 9.141(b)(2)(D).

Defendant raises four claims in his 3.800 motion, which the trial court summarily denied as successive. Because the record now before us fails to show that defendant raised the exact claims in prior postconviction motions, we reverse the order and remand for further proceedings, or for attachment of record proof of the successive nature of Defendant's motion.

Reversed and remanded for further proceedings.