

# Third District Court of Appeal

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

Opinion filed November 14, 2012.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D12-2321  
Lower Tribunal No. 09-CF-1075-K

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**John Eric Hayden,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Monroe County, Mark H. Jones, Judge.

John Eric Hayden, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before SUAREZ, CORTIÑAS and FERNANDEZ, JJ.

SUAREZ, J.

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

Because the record now before us fails to make the required showing, we reverse the order and remand for further proceedings. If the trial court again enters an order summarily denying the post-conviction motion, the court shall attach record excerpts conclusively showing that the appellant is not entitled to any relief.

Reversed and remanded for further proceedings.