Third District Court of Appeal

State of Florida

Opinion filed June 15, 2016.
Not final until disposition of timely filed motion for rehearing.

No. 3D16-1096
Lower Tribunal No. 09-38702

Jerome Gray,
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, Spencer Eig, Judge.

Jerome Gray, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before ROTHENBERG, EMAS and FERNANDEZ, JJ.

PER CURIAM.

This is an appeal of an order summarily denying a motion under Florida Rule of Criminal Procedure 3.850. 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)(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.