

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1742
LT Case No. 2005-CF-002936-A

KENNETH M. ROBINSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Lake County.
Heidi Davis, Judge.

Kenneth M. Robinson, Graceville, pro se.

Ashley Moody, Attorney General, Tallahassee, and Deborah A.
Chance, Assistant Attorney General, Daytona Beach, for
Appellee.

November 15, 2024

WALLIS, J.

Appellant, Kenneth M. Robinson, appeals the trial court's summary denial of his motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Appellant argues on appeal that the trial court erred in relying on certain predicate convictions to support adjudicating him as a Habitual Felony Offender. Appellant raised a facially

sufficient claim for relief pursuant to Rule 3.800(a). The trial court's summary denial of the claims without attaching any records fails to refute Appellant's arguments. Consequently, we reverse and remand for further proceedings. If the trial court again summarily denies the motion, it shall attach portions of the record that conclusively refute Appellant's claim. *See* Fla. R. App. P. 9.141(b)(2)(D); *see also Stewart v. State*, 948 So. 2d 870, 871 (Fla. 3d DCA 2007) (reversing and remanding summary denial of rule 3.800(a) motion where defendant raised a facially sufficient claim and trial court failed to attach written portions of record conclusively refuting claim).

REVERSED and REMANDED with instructions.

EISNAUGLE and HARRIS, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
