

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2026-0697
LT Case Nos. 59-2021-CF-935-B
59-2021-CF-945-A
59-2021-CF-946-A
59-2021-CF-1216-A

MATTHEW RAY MISNER,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

3.800 Appeal from the Circuit Court for Seminole County.
Melissa D. Souto, Judge.

Matthew Ray Misner, Jasper, pro se.

No Appearance for Appellee.

September 18, 2026

PER CURIAM.

Matthew Misner (“Misner”) appeals the summary denial of his motion for clarification, treated by the postconviction court as a motion to correct an illegal sentence under Florida Rule of Criminal Procedure 3.800(a), and his motion for correction of jail credit under Florida Rule of Criminal Procedure 3.801. The court found that Misner was not entitled to the jail credit sought in either motion. However, in denying Misner’s rule 3.801 motion,

the court failed to attach records conclusively refuting that claim. *See MacNeill v. State*, 301 So. 3d 471, 472 (Fla. 1st DCA 2020) (“A circuit court summarily denying a rule 3.801 motion must attach portions of the record that conclusively refute it.”); *Hurlburt v. State*, 376 So. 3d 89, 90 (Fla. 5th DCA 2023) (reversing and remanding summary denial of a rule 3.801 motion because the court did not attach the necessary records to the order). Accordingly, we reverse and remand for further proceedings.

REVERSED and REMANDED for further proceedings.

JAY, C.J., and WALLIS and KILBANE, JJ., concur.

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