

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-2036
LT Case No. 2016-CF-001455

EDSEL A. BROWN,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

3.800 Appeal from the Circuit Court for Putnam County.
Alicia R. Washington, Judge.

Edsel A. Brown, Live Oak, pro se.

No Appearance for Appellee.

November 15, 2024

WALLIS, J.

Appellant appeals the trial court's denial of his Florida Rule of Criminal Procedure 3.800(a) Motion which alleged that his written sentence does not match the oral pronouncement. Appellant alleges that the trial court orally pronounced a sentence of 30 months in the Department of Corrections with credit for 20 months. Appellant's written sentencing order states that his sentence is 6.78 years. The postconviction court entered an order denying the motion finding:

Defendant was sentenced on February 1, 2023[,] for violations of probation in the above numbered cases. This Court reviewed the recording of that proceeding. Judge Dawn Nichols accepted Defendant's admission to violating his community control, revoked his supervision, and sentenced Defendant to the bottom of his scoresheet of 6.78 years with high[sic] credit of 821 days over State objection. The State was seeking 13 years in the Department of Corrections. Defendant's claim that he was sentenced to 30 months has no merit.

The trial court attached no records to the order in support of its findings and ultimate ruling. Accordingly, we must reverse the order. *See Lopez v. State*, 2 So. 3d 1057, 1059 (Fla. 3d DCA 2009) (holding reversal required where postconviction court's findings not supported by attachment of sentencing transcript). "On remand, the trial court should examine the record for a sentencing transcript. If no transcript is found or is otherwise obtainable, the court should deny Appellant's Rule 3.800(a) motion on Ground (1) without prejudice to amend with a sentencing transcript demonstrating entitlement to relief." *Id.*; *see also Williams v. State*, 957 So. 2d 600, 604 (Fla. 2007) ("[T]he motion should be denied without prejudice to the filing of an amended motion properly attaching the sentencing transcript.").

REVERSED and REMANDED with instructions.

HARRIS and PRATT, JJ., concur.

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