

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

TERRANCE MCGEE,  
Appellant,

v.

Case No. 5D15-2350

STATE OF FLORIDA,  
Appellee.

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Opinion filed November 6, 2015

Appeal from the Circuit Court  
for Putnam County,  
Patti A. Christensen, Judge.

Terrance L. McGee, Lake City, pro se.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Allison Leigh Morris,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

PER CURIAM

Appellant, Terrance McGee, appeals the denial of his Motion for Jail Credit filed pursuant to Florida Rule of Criminal Procedure 3.801. This rule incorporates Florida Rule of Criminal Procedure 3.850(f). See Fla. R. Crim. P. 3.801(e). The motion is timely but facially insufficient. Therefore, the trial court should have allowed Appellant leave to amend within sixty days. See Fla. R. Crim. P. 3.850(f)(2). In the alternative,

the trial court should have attached portions of the record that conclusively refute Appellant's claims. Accordingly, we reverse the order under review and remand the case to the trial court either to enter an order allowing sixty days to amend or to attach the pertinent parts of the record that conclusively refute the claims.

REVERSED and REMANDED.

SAWAYA, WALLIS and LAMBERT, JJ., concur.