

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

DEAN WILSON,

Appellant,

v.

CASE NO. 1D05-5112

STATE OF FLORIDA,

Appellee.

Opinion filed November 28, 2006.

An appeal from the Circuit Court for Washington County.
Dedee S. Costello, Judge.

Michael Ufferman, Tallahassee, for Appellant.

Charlie Crist, Attorney General, and Bryan Jordan, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

ON MOTION FOR REHEARING

We withdraw our previously issued per curiam affirmance and substitute the following written opinion in its place.

Appellant, Dean Wilson, appeals the summary denial of his motion for postconviction relief filed pursuant to Florida Rule of Criminal Procedure 3.850

alleging newly discovered evidence. Appellant's bare-bones motion failed to make the required factual allegations and failed to contain an oath as required by rule 3.850(c). Accordingly, we affirm, but without prejudice to appellant's filing a sworn, facially sufficient amended motion for postconviction relief in the trial court within thirty days of the issuance of this Court's mandate. See Thompson v. State, 772 So. 2d 582 (Fla. 1st DCA 2000); Williams v. State, 884 So. 2d 138 (Fla. 2d DCA 2004). Any such motion shall not be deemed successive. We express no opinion as to the merits of appellant's claims.

LEWIS and THOMAS, JJ., CONCUR; WOLF, J., DISSENTS WITHOUT OPINION.