

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

CRAIG BUNCH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D07-167

[July 5, 2007]

PER CURIAM.

The appellant appeals an order denying his motion for postconviction relief as facially insufficient. As the state concedes, in such circumstances, leave should be given to the prisoner to refile a legally sufficient motion. *See, e.g., Swatman v. State*, 814 So. 2d 1109 (Fla. 2d DCA 2002); *Jones v. State*, 708 So. 2d 1045 (Fla. 4th DCA 1998). We therefore affirm but without prejudice to the appellant refiling a legally sufficient motion within sixty days of the mandate.

STONE, WARNER and STEVENSON, JJ., concur.

* * *

Appeal of order denying rule 3.850 motion from the Circuit Court for the Nineteenth Judicial Circuit, Martin County; Larry Schack, Judge; L.T. Case Nos. 432005CF824A, 432005CF826A & 432005CF828A.

Craig Bunch, Bristol, pro se.

Bill McCollum, Attorney General, Tallahassee, and Monique E. L'Italien, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.