NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED

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IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

SECOND DISTRICT

BRIAN BASHARA,

Appellant,

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STATE OF FLORIDA,

Appellee.

Case No. 2D16-5455

Opinion filed June 14, 2017.

Appeal pursuant to Fla. R. App. P. 9.141(b)(2) from the Circuit Court for Hillsborough County; Daniel Perry, Judge.

Brian Bashara, pro se.

PER CURIAM.

Brian Bashara challenges the order denying his motion for jail credit filed under Florida Rule of Criminal Procedure 3.801. We reverse the postconviction court's order and remand for the court to strike Bashara's motion and grant him sixty days to

file a sufficiently pleaded amended motion. See Fla. R. Crim. P. 3.801(e)

(incorporating, in pertinent part, rule 3.850(f)(2)).

In his motion for jail credit, Bashara simply asserted that the court file conclusively demonstrated that his award of jail credit was deficient by 200 days; he did

not include the detailed facts and allegations required by rule 3.801(c)(1)-(5). Rather than striking the facially insufficient motion and allowing Bashara to amend it as required by rule 3.801(e), the postconviction court entered a detailed order with record attachments finding that Bashara was not entitled to any more jail credit than he was awarded.

On appeal, Bashara filed an initial brief making detailed allegations concerning his claim of jail credit deficiency that the attachments to the postconviction court's order do not refute. Because the postconviction court did not provide Bashara with an opportunity to amend his facially insufficient motion, we reverse and remand with directions for the court to allow Bashara sixty days to amend his motion to comply with rule 3.801(c).

Reversed and remanded with directions.

LaROSE, CRENSHAW, and MORRIS, JJ., Concur.