

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

JULY TERM 2006

SHELLI STONE,

Appellant,

v.

Case No. 5D06-394

STATE OF FLORIDA,

Appellee.

Opinion filed October 27, 2006

3.850 Appeal from the Circuit
Court for Orange County,
Daniel P. Dawson, Judge.

Shelli Stone, Ocala, pro se.

James S. Purdy, Public Defender and
Ailene S. Rogers, Assistant Public Defender,
Daytona Beach, for Appellant.

Charles J. Crist, Jr., Attorney General,
Tallahassee and Rebecca Rock McGuigan,
Assistant Attorney General, Daytona Beach,
for Appellee.

PALMER, J.

Shelli Stone (defendant) appeals the trial court's order summarily denying her Florida Rule of Criminal Procedure 3.850 motion seeking postconviction relief. Although the defendant's motion was facially insufficient, the trial court did not allow her leave to amend the motion before denying the motion for being facially insufficient. Accordingly, we affirm without prejudice to the defendant to later file a facially sufficient motion. See Nelson v. State, 875 So.2d 579 (Fla. 2004).

AFFIRMED.

THOMPSON and TORPY, JJ., concur.