

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

HERBERT J. T. WILSON, II,

Appellant,

v.

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

CASE NO. 1D12-1812

STATE OF FLORIDA,

Appellee.

Opinion filed September 23, 2013.

An appeal from the Circuit Court for Duval County.

Kevin A. Blazs, Judge.

Herbert J. T. Wilson, II, pro se, Appellant.

Pamela Jo Bondi, Attorney General, and Jennifer J. Moore, Assistant Attorney General, Tallahassee, for Appellee.

PER CURIAM.

Herbert J. T. Wilson, II, appeals an order summarily denying his Motion to Return Property to Defendant. Because the motion was facially sufficient, the trial court was required to either conclusively refute the allegations or hold an evidentiary hearing. *See Bailey v. State*, 93 So. 3d 518, 519 (Fla. 1st DCA 2012);

Jones v. State, 42 So. 3d 874, 875 (Fla. 2d DCA 2010). Accordingly, we reverse the order on appeal and remand for further proceedings.

REVERSED and REMANDED.

LEWIS, C.J., MARSTILLER and OSTERHAUS, JJ, CONCUR.