

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

EMILIO DOTTIN,	)	
	)	
Appellant,	)	
	)	
v.	)	Case No. 2D08-3419
	)	
STATE OF FLORIDA,	)	
	)	
Appellee.	)	
_____	)	

Opinion filed July 17, 2009.

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

FULMER, Judge.

Emilio Dottin appeals the denial of his pro se motion for return of property. The circuit court denied the motion because under section 705.105(1), Florida Statutes (2006), the property had been seized as evidence by a law enforcement agency and title to the property vested in that agency when Dottin did not seek timely return of the property within sixty days after the proceedings were concluded against him. We conclude that the circuit court properly determined that the property was seized as evidence by the Tampa Police Department. However, the circuit court did not attach

any records demonstrating when the proceedings against Dottin had concluded. Therefore, we reverse the order of denial and remand for the circuit court to attach further records demonstrating that the motion was untimely or to consider the motion on the merits. See Stevens v. State, 929 So. 2d 1197, 1198 (Fla. 2d DCA 2006).

Reversed and remanded.

DAVIS and SILBERMAN, JJ., Concur.