

# Third District Court of Appeal

## State of Florida

Opinion filed October 29, 2014.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D14-2362  
Lower Tribunal No. 13-11810

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**Gabriel Marckson,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Jorge Rodriguez-Chomat, Judge.

Gabriel Marckson, in proper person.

Pamela Jo Bondi, Attorney General, for appellee.

Before WELLS, EMAS and LOGUE, JJ.

PER CURIAM.

Gabriel Marckson appeals from the trial court's summary denial of his timely motion for post-conviction relief. Although we agree with the trial court's determination that the motion was legally insufficient, we reverse and remand because, rather than entering a final order denying the motion on its merits, the trial court should have entered a non-final, non-appealable order dismissing the motion with leave to amend within sixty days. See Fla. R. Crim. P. 3.850(f)(2); Spera v. State, 971 So. 2d 754 (Fla. 2007).

Reversed and remanded with directions to enter a non-final order dismissing the motion with leave to file an amended motion within sixty days.