

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

ANDREW DELORENZO,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D15-148

[October 7, 2015]

Appeal of order denying rule 3.801 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Michael A. Robinson, Judge; L.T. Case No. 11-5429CF10A.

Andrew Delorenzo, Madison, pro se.

No appearance required for appellee.

PER CURIAM.

We reverse the summary denial of appellant's timely rule 3.801 motion, which sought additional credit for time spent in jail before sentencing. The records attached to the trial court's order do not conclusively establish that appellant is not entitled to relief. While appellant's motion is poorly drafted, it appears that he seeks credit for time that he allegedly spent in jail when he was originally arrested for this case, before his later sentencing for a violation of probation. Specifically, he appears to be seeking credit for time he allegedly spent in jail from March 20, 2011 to June 8, 2011. We remand for further proceedings.

If the trial court determines that appellant's motion is facially insufficient, it should provide him sixty days to file an amended motion. *See Belanger v. State*, 146 So. 3d 136, 137-38 (Fla. 3d DCA 2014) (recognizing that the procedures of rule 3.850(f)(2) are incorporated by rule 3.801(e)); *see also Spera v. State*, 971 So. 2d 754, 761-62 (Fla. 2007).

Reversed and remanded with directions.

GROSS, TAYLOR, and MAY, JJ., concur.

* * *

Not final until disposition of timely filed motion for rehearing.