

FIFTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Case No. 5D2024-1535
LT Case No. 2016-CF-000255-A

JASON O'SHEA YOUNG,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

3.850 appeal from the Circuit Court for Marion County.
Robert W. Hodges, Judge.

Jason O'Shea Young, Raiford, pro se.

No Appearance for Appellee.

December 20, 2024

PER CURIAM.

Since his 2016 conviction for robbery with a firearm and resulting life sentence as a prison releasee reoffender, Appellant Jason O'Shea Young has filed numerous post-conviction motions and petitions seeking issuance of various writs. Pertinent here is his most recent pro se "3.850 Motion for Post-Conviction Relief (Belated) (Retained Counsel Failed to File)." The trial court entered its order dismissing this motion without prejudice,

concluding the motion was facially insufficient for failure to include the oath and certifications required by Florida Rule of Criminal Procedure 3.850(c) and (n). Young was given sixty days to file his amended motion that complied with the Florida Rules of Criminal Procedure.

Since the trial court’s dismissal was without prejudice to file an amended motion, the trial court’s order is a non-final, non-appealable order. *See* Fla. R. Crim. P. 3.850(f)(2) (“If the motion is insufficient on its face, and the motion is timely filed under this rule, the court shall enter a nonfinal, nonappealable order allowing the defendant 60 days to amend the motion.”); *see also Moore v. State*, 281 So. 3d 553, 554 (Fla. 3d DCA 2019).

Accordingly, we dismiss this appeal without prejudice for want of jurisdiction. In doing so, we express no opinion as to the timeliness or merit of Young’s motion *sub judice*.

DISMISSED WITHOUT PREJUDICE.

EISNAUGLE, HARRIS, and SOUD, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.
