

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

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

DARRIAN JOVAN RHODES,

Appellant,

v.

Case No. 5D15-1916

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed December 4, 2015

3.801 Appeal from the Circuit Court
for Orange County,
Christi L. Underwood, Judge.

Darrian Jovan Rhodes, Bonifay, pro se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Darrian Rhodes appeals the summary denial of his Florida Rule of Criminal Procedure 3.801(a) motion to correct jail credit. The State properly concedes that the records attached to the trial court's order do not conclusively refute Rhodes' claim. Accordingly, we reverse and remand for the trial court to either deny the motion and attach

records conclusively refuting Rhodes' claim, hold a hearing, or grant the motion. *Adkins v. State*, 40 Fla. L. Weekly D1391 (Fla. 5th DCA June 19, 2015).

REVERSED and REMANDED.

PALMER, EVANDER and WALLIS, JJ., concur.