

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

JERETT JUSTUS,

Appellant,

v.

Case No. 5D19-1903

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed December 20, 2019

3.800 Appeal from the Circuit  
Court for Citrus County,  
Richard A. Howard, Judge.

Jerett Justus, Milton, pro se.

Ashley Moody, Attorney General,  
Tallahassee, and Nora Hutchinson  
Hall, Assistant Attorney General,  
Daytona Beach, for Appellee.

PER CURIAM.

Appellant, Jerett Justus, appeals the denial of his postconviction motion claiming entitlement to additional jail credit. In his motion, Appellant alleged that he was actually arrested in the instant case while in custody in another county for unrelated charges, and he attached documents to support his claim.

The trial court denied the motion, reasoning that “[a] defendant is only entitled to credit for time served after an actual arrest when a warrant has been served, not from the date of a detainer.” Appellant argues that the trial court’s reasoning is flawed because he alleged an actual arrest, and not that he was simply subject to a detainer. See *Elkins v. State*, 884 So. 2d 499, 500 (Fla. 5th DCA 2004).

We do not reach the merits of Appellant’s arguments on appeal, however, because we observe that his motion was facially insufficient, and he has not yet received an opportunity to amend. We therefore reverse and remand with instructions that the trial court grant Appellant leave to file a facially sufficient motion pursuant to Florida Rule of Criminal Procedure 3.801.

REVERSED and REMANDED.

EVANDER, C.J., EISNAUGLE and SASSO, JJ., concur.