

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

JAMES HOLLIS HYERS,  
  
Appellant,

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

v.

CASE NO. 1D05-1924

STATE OF FLORIDA,  
  
Appellee.

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Opinion filed November 30, 2005.

An appeal from the Circuit Court for Nassau County.  
Robert M. Foster, Judge.

Appellant, pro se.

Charlie Crist, Attorney General; Philip W. Edwards, Assistant Attorney General,  
Tallahassee, for Appellee.

PER CURIAM.

We affirm the order denying the motion, but do so without prejudice to  
appellant's refiling his jail credit claim in a facially sufficient rule 3.850 motion.

See Burchfield v. State, 907 So. 2d 614 (Fla. 1st DCA 2005).

AFFIRMED.

ERVIN, DAVIS and LEWIS, JJ., CONCUR.