

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

JOHN KIMBLE,

Appellant,

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

v.

CASE NO. 1D10-5127

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed February 14, 2013.

An appeal from the Circuit Court for Leon County.
Terry P. Lewis, Judge.

Nancy A. Daniels, Public Defender, and Kathleen Stover, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

In this direct appeal the appellant challenges the sentences imposed after the
trial court granted a rule 3.800(b) motion to correct scoresheet error and
resentenced him. We deny the appellant's double jeopardy claim and, with the
exception discussed below, we affirm the judgment and sentences without further

discussion. However, because the appellant's sentences were originally all running concurrently to each other, the appellant was entitled to credit on each count for the time he spent in jail or prison after the original sentence was imposed but before he was resentenced to consecutive terms. See Gisi v. State, 4 So. 3d 613 (Fla. 2009) (holding that a defendant on resentencing is entitled to credit on each newly imposed consecutive sentence for prison time already served on the original concurrent sentences); State v. Rabedeau, 2 So. 3d 191 (Fla. 2009) (same). Accordingly, we reverse and remand for the trial court to award credit on each count for time spent in jail or prison from the date of the appellant's original sentence to the date he was resentenced.

AFFIRMED in part, REVERSED and REMANDED in part for further proceedings.

LEWIS, WETHERELL, and MAKAR, JJ., CONCUR.