

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2007*

**JORGE PEREZ,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D07-3043

[October 31, 2007]

PER CURIAM.

The appellant, Jorge Perez, appeals the trial court's order denying his rule 3.800(a) motion to correct illegal sentence, alleging that he has not received the appropriate credit for time served. We affirm in part and reverse in part. Appellant alleges that he is entitled to relief for the time spent incarcerated in Miami-Dade from March 24, 2002 until March 29, 2002. He was held during this period based on a warrant issued in Broward County. This falls under exception to *Gethers v. State*, 838 So. 2d 504 (Fla. 2003) (a prisoner subject to release being held due to a detainer or warrant lodged from another county is entitled to jail time credit during that period). As such, Appellant is warranted five (5) additional days jail time credit. Accordingly, we reverse the trial court's order and remand for the trial court to grant the appellant credit for the time spent in jail while between March 24, 2002 and March 29, 2002 while being held on a Broward County warrant. As to all other issues, we affirm.

POLEN, TAYLOR and MAY, JJ., concur.

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Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey R. Levenson, Judge; L.T. Case No. 98-6695 CF10A.

Jorge Perez, Wewahitchka, pro se.

Bill McCollum, Attorney General, Tallahassee, and August Bonavita, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing***