

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2008

JUAN CARLOS FAXAS,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-246

[March 12, 2008]

PER CURIAM.

Affirmed, without prejudice to appellant's right to exhaust administrative remedies with the Department of Corrections, and thereafter, if unsatisfied with the results, to file a petition for writ of mandamus in the proper venue. *See, e.g. Dandashi v. State*, 956 So.2d 528 (Fla. 4th DCA 2007)(affirming trial court order denying motion for credit without prejudice to appellant to first exhaust his administrative remedies with DOC, and then file for mandamus in the trial court if necessary); *King v. State*, 665 So.2d 377 (Fla. 4th DCA 1996). *See also Davis v. State*, 943 So.2d 975 (Fla. 5th DCA 2006).

FARMER, KLEIN and MAY, JJ., concur.

* * *

Appeal of order denying rule 3.800(a) motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Cynthia G. Imperato, Judge; L.T. Case Nos. 92-17769 CF10A & 93-11630 CF10A.

Juan Carlos Faxas, South Bay, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing