

# Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed October 22, 2008.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D08-1954  
Lower Tribunal No. 05-10892

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**Gary Anderson,**  
Appellant,

vs.

**The State of Florida,**  
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Spencer Eig, Judge.

Gary Anderson, in proper person.

Bill McCollum, Attorney General, for appellee.

Before RAMIREZ and ROTHENBERG, JJ., and SCHWARTZ, Senior Judge.

PER CURIAM.

On June 18, 2008, the circuit court entered an order clarifying defendant's credit for time served allowing credit for time served since March 27, 2007. The defendant, however, was claiming credit from April 5, 2005 until August 17, 2006.

We reverse and remand as the record before us fails to conclusively refute the defendant's claim that he was entitled to 615 days of credit for time served. See Hidalgo v. State, 729 So. 2d 984 (Fla. 3d DCA 1999).

Reversed.