

Third District Court of Appeal

State of Florida, January Term, A.D. 2011

Opinion filed May 18, 2011.

Not final until disposition of timely filed motion for rehearing.

No. 3D10-2247

Lower Tribunal Nos. 10-1866, 10-3816, 08-37848

Victor Lechuga,
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, Jose L. Fernandez, Judge.

Victor Lechuga, in proper person.

Pamela Jo Bondi, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before GERSTEN, ROTHENBERG, and SALTER, JJ.

PER CURIAM.

Victor Lechuga appeals from the trial court's summary denial of his Florida Rule of Criminal Procedure 3.850 motion to correct jail time credit afforded on his

sentence. Because the record fails to show conclusively that the defendant is not entitled to relief, we reverse the order and remand for a hearing or attachment of record excerpts conclusively refuting the defendant's claim.

Reversed and remanded.