

NOT FINAL UNTIL TIME EXPIRES
TO FILE REHEARING MOTION
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2005

JOSE A. ROSADO,

**

Appellant,

**

vs.

** CASE NO. 3D05-1089

THE STATE OF FLORIDA,

**

Appellee.

** LOWER
TRIBUNAL NO. 00-36908
**

Opinion filed August 3, 2005.

An Appeal from the Circuit Court for Miami-Dade County,
Diane Ward, Judge.

Jose A. Rosado, pro se, for appellant.

Charles J. Crist, Jr., Attorney General, and Ishir Mehta,
Assistant Attorney General, for appellee.

Before, GERSTEN, GREEN, and FLETCHER, JJ.

PER CURIAM.

The Appellant, Jose A. Rosado, appeals the trial court's
order denying his motion to correct an illegal sentence pursuant
to Florida Rule of Criminal Procedure 3.800(a). The Appellant
claims that the trial court improperly sentenced him for

violating his probation without granting him adequate credit for time he served on a split sentence. The State of Florida concedes that the Appellant has raised a facially sufficient claim that the available records do not conclusively refute. However, the State suggests that the Appellant might have waived credit for the time that he previously served.

We remand this case to the trial court with directions to attach documentation that refutes the Appellant's claim, or to provide the Appellant with credit for the time he served on his split sentence. Brownlee v. State, 899 So. 2d 341 (Fla. 3d DCA 2005); Elma v. State, 895 So. 2d 1262 (Fla. 3d DCA 2005).

Remanded for further proceedings.