

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JULY TERM 2004

SAMUEL LEE STEWART,

Appellant,

v.

CASE NO. 5D04-2294

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed October 8, 2004

3.800 Appeal from the Circuit Court
for Putnam County,
Edward E. Hedstrom, Judge.

Samuel Lee Stewart, East Palatka, pro se.

Charles J. Crist, Jr., Attorney General,
Tallahassee, and Rebecca Rock McGuigan,
Assistant Attorney General, Daytona Beach,
for Appellee.

PER CURIAM

Appellant raises two issues on appeal, only one of which merits discussion. Appellant contends that he was not given proper credit for time served in jail before he was sentenced. The State properly concedes error because the lower court failed to attach pertinent portions of the record to support its order denying Appellant's claim. See *Brown v. State*, 816 So. 2d 1142 (Fla. 5th DCA 2002). The lower court's order is reversed in part with instructions that it either grant the request for additional jail credit or attach those portions of the record that support denial of the request. In all other respects, the order is affirmed.

AFFIRMED in part; REVERSED in part and Remanded.

SAWAYA, C.J., PALMER and TORPY, JJ., concur.