

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

JANUARY TERM 2013

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

FERNANDO TROCHE-VAZQUEZ,

Appellant,

v.

Case No. 5D12-4367

STATE OF FLORIDA,

Appellee.

_____ /

Opinion filed May 31, 2013

3.800 Appeal from the Circuit Court
for Orange County,
Julie H. O'Kane, Judge.

Fernando Troche-Vazquez, Lake City, pro
se.

Pamela Jo Bondi, Attorney General,
Tallahassee, and L. Charlene Matthews,
Assistant Attorney General, Daytona
Beach, for Appellee.

PER CURIAM.

Fernando Troche-Vazquez (defendant) appeals the order entered by the trial court denying his rule 3.800(a) motion claiming additional jail credit.¹ The defendant has failed to present a facially sufficient claim since the alleged additional credit cannot be ascertained from the face of the record. See Cabrera v. State, 62 So. 3d 1171 (Fla. 4th

¹ See Fla. R. Crim. P. 3.800(a).

DCA 2011). Accordingly, we affirm the trial court's order without prejudice to the defendant's presenting his claim in a rule 3.850 motion.²

AFFIRMED.

PALMER, LAWSON and COHEN, JJ., concur.

² We note that the Florida Supreme Court has recently adopted a new procedure for seeking corrective jail credit, rule 3.801 of the Florida Rules of Criminal Procedure, effective July 1, 2013. Rule 3.801 requires motions for jail credit to be filed within one year of the date a sentence becomes final. We express no opinion as to the effect of the new rule on claims that would have been timely under rule 3.850's filing limit but will be untimely under the new one-year filing limit.