

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D19-1031

TIMOTHY C. BERG, JR.,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Washington County.
Timothy Register, Judge.

December 27, 2019

PER CURIAM.

On appeal, Mr. Berg challenges the summary denial of his motion for correction of jail credit. Specifically, he claims that he should get credit for his incarceration in Bay County from August 25, 2015, to May 16, 2017. He filed the motion pursuant to rule 3.801, but that rule has a time limit. The rule precludes consideration of such a motion if the motion is “filed more than 1 year after the sentence becomes final.” Fla. R. Crim. P. 3.801(b). Mr. Berg’s sentence became final on September 14, 2017. He filed his jail credit motion on November 28, 2018. As such, there is no legal basis by which the postconviction court could have considered the claim he now raises on appeal.

AFFIRMED.

KELSEY, JAY, and TANENBAUM, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Timothy C. Berg, Jr., pro se, Appellant.

Ashley Moody, Attorney General, and Thomas H. Duffy, Assistant Attorney General, Tallahassee, for Appellee.