

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2014

ANDE KIBWIKA,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D13-3776

[July 23, 2014]

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Barbara McCarthy, Judge; L.T. Case No. 06-10155CF10B.

Ande Kibwika, Milton, pro se.

Pamela Jo Bondi, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Ande Kibwika appeals an order denying his motion for jail credit filed pursuant to Florida Rule of Criminal Procedure 3.800.¹ The motion is legally sufficient and warrants further review. Kibwika pointed to the dates referenced within the probable cause affidavit and the final disposition following his trial. Significantly, he alleged that he was never released on bond. Consequently, Kibwika met his burden to demonstrate entitlement to relief on the face of the record. *See Johnson v. State*, 60 So. 3d 1045, 1051 (Fla. 2011). *See also Green v. State*, 979 So. 2d 395, 395–96 (Fla. 2d DCA 2008).

Reversed and remanded for further proceedings.

GROSS, STEVENSON and CONNER, JJ., concur.

¹Appellant's motion predated the enactment of Florida Rule of Criminal Procedure 3.801.

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Not final until disposition of timely filed motion for rehearing.