

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FOURTH DISTRICT  
*July Term 2006*

**CLIFFORD SHELTON,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

No. 4D06-3397

[ December 6, 2006 ]

PER CURIAM.

Appellant Clifford Shelton appeals the trial court's summary denial of his motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a). Shelton claimed entitlement to credit for time served in jail prior to his date of conviction and sentencing and for time served after sentencing but before transport to prison. Shelton is not entitled to seek credit in the trial court for post-sentencing time served, as that is properly raised with the Department of Corrections. *See Schuettler v. State*, 931 So. 2d 1044 (Fla. 4th DCA 2006); *Milne v. State*, 807 So. 2d 725 (Fla. 4th DCA 2002). Thus, the trial court did not err in summarily denying that portion of his motion asking for post-sentencing credit.

However, it did err insofar as it also summarily denied his claim for pre-sentencing time served from the date of his arrest in June 1989 to the date of his conviction and sentencing on March 21, 1990. Therefore, we reverse and remand for the trial court to consider the latter claim for jail credit on its merits.

*Affirmed in Part, Reversed and Remanded in Part.*

GUNTHER, KLEIN and GROSS, JJ., concur.

\* \* \*

Appeal of order denying rule 3.800(a) motion from the Circuit Court

for the Fifteenth Judicial Circuit, Palm Beach County; Krista Marx,  
Judge; L.T. Case No. 89-11161 CFA02.

Clifford Shelton, Raiford, pro se.

Charles J. Crist, Jr., Attorney General, Tallahassee, and Laura Fisher  
Zibura, Assistant Attorney General, West Palm Beach, for appellee.

***Not final until disposition of timely filed motion for rehearing***