

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
July Term 2008

TERRANCE WALKER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D08-122

[November 26, 2008]

PER CURIAM.

The defendant appeals his sentence and argues that the trial court failed to give him proper credit for time served on all concurrent sentences. We agree. Accordingly, we reverse and remand the case to the trial court to correct the defendant's sentence.

On October 26, 2007, the trial court sentenced the defendant to five years in prison with credit for 320 days time served concurrently in five cases on a violation of probation. On December 11, 2007, the court held a hearing on the defendant's motion to clarify sentence.¹ At the hearing, the defendant argued he was actually entitled to an additional 28 months credit for time served prior to sentencing. Over the defendant's objection, the trial court awarded the defendant additional credit only on a single conviction.

On appeal, the defendant claims this was error because the trial court should have granted the additional credit on all concurrent sentences. See § 921.161(1), Fla. Stat. (2005); *Daniels v. State*, 491 So. 2d 543, 545 (Fla. 1986). “[W]hen a defendant has jail-time credit on a sentence that is to run concurrently with another sentence, the concurrent sentence must also reflect that credit.” *Netherly v. State*, 873 So. 2d 407, 410 (Fla. 2d DCA 2004). The State agrees. We therefore reverse and remand the case to the trial court to correct the sentences.

Reversed and Remanded.

¹ The court treated the defendant's motion to clarify as a motion for correction.

TAYLOR, HAZOURI and MAY, JJ., concur.

* * *

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Nelson Bailey, Judge; L.T. Case Nos. 05-1373CFA06, 05-1555CFA06, 05-1556CFA06, 04-4046CFA06 and 04-14469CFA06.

Carey Haughwout, Public Defender, and Emily Ross-Booker, Assistant Public Defender, West Palm Beach, for appellant.

Bill McCollum, Attorney General, Tallahassee, and Melanie Dale Surber, Assistant Attorney General, West Palm Beach, for appellee.

Not final until disposition of timely filed motion for rehearing.