

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2009

IVAN H. SILVERSTEIN,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D09-857

[June 3, 2009]

PER CURIAM.

Affirmed, without prejudice to appellant's right to seek relief if pre-sentencing jail time credit is being sought, by proper motion to correct illegal sentence filed pursuant to Florida Rule of Criminal Procedure 3.800(a), showing where it is clear on the face of the record that he is entitled to jail credit, and in what amount. *See Smith v. State*, 682 So. 2d 147 (Fla. 4th DCA 1996). *See also Woody v. State*, 993 So. 2d 1158 (Fla. 4th DCA 2008).

GROSS, C.J., TAYLOR and CIKLIN, JJ., concur.

* * *

Appeal of order denying rule 3.800 motion from the Circuit Court for the Seventeenth Judicial Circuit, Broward County; Jeffrey R. Levenson, Judge; L.T. Case No. 03-17919 CF10A.

Ivan H. Silverstein, Pensacola, pro se.

No appearance required for appellee.

Not final until disposition of timely filed motion for rehearing.