

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JEFFREY DOLAND,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
 _____)

Case No. 2D19-3310

Opinion filed October 28, 2020.

Appeal pursuant to Fla. R. App. P. 9.130
from the Circuit Court for Glades County;
James D. Sloan, Judge.

Jeffrey Doland, pro se.

Ashley Moody, Attorney General,
Tallahassee, and Chelsea N. Simms,
Assistant Attorney General, Tampa, for
Appellee.

NORTHCUTT, Judge.

The circuit court summarily dismissed Jeffrey Doland's petition for writ of habeas corpus contesting the Department of Corrections' unilateral reduction of his jail credit. In response to Doland's appeal, the State has acknowledged that DOC's action was improper. We agree.

In September 2009, Doland and the State negotiated a plea agreement under which Doland pleaded guilty to eight counts of various charges involving sexual activity with a minor. Relevant to this appeal are the first four counts, for which Doland was to receive consecutive sentences. Notably, the plea agreement specifically provided that Doland was to receive jail credit on each of those first four counts. Doland was ultimately sentenced in accordance with the agreement, receiving 770 days of jail credit for each count, including the consecutive sentences in counts one through four.

In October 2017, DOC undertook a review of Doland's sentences. It concluded that he was not entitled to receive jail credit on each of his consecutive sentences; rather, his credit properly could be applied only once toward his overall sentence. As a result, the department extended Doland's release date. After exhausting his administrative appeals, Doland filed a petition for writ of habeas corpus in Glades County, where he is presently incarcerated. In the petition, Doland contended that DOC had no authority to reduce his jail credit and that, when factoring in gain time, the department's action improperly caused his incarceration to extend beyond the expiration of his sentence. The circuit court dismissed the petition, agreeing with DOC that Doland was not entitled to jail credit on all of his consecutive sentences.

It is true that a defendant who is sentenced to consecutive terms of imprisonment ordinarily is entitled to presentence jail credit only on the first of the sentences. See Steadman v. State, 23 So. 3d 811, 813 (Fla. 2d DCA 2009) (quoting Canete v. Fla. Dep't of Corr., 967 So. 2d 412, 415–16 (Fla. 1st DCA 2007)). However, as the State acknowledges here, a sentencing court has discretion to grant jail credit on each individual consecutive sentence. See Canete, 967 So. 2d at 416. The State

concedes that Doland's plea agreement clearly stated that he was to receive jail credit on each of the first four counts and that he was sentenced accordingly. Thus, DOC's reduction of Doland's jail credit was contrary to his sentence and was unauthorized.

Accordingly, we reverse the dismissal of Doland's petition and we remand for further proceedings.

Reversed and remanded.

BLACK and SMITH, JJ., Concur.