

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

STEPHEN W. ERICSON, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 )  
 \_\_\_\_\_ )

Case No. 2D05-3450

Opinion filed January 20, 2006.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court for  
Pinellas County; W. Douglas Baird,  
Judge.

PER CURIAM.

Stephen W. Ericson appeals the postconviction court's order denying his motion for jail credit filed pursuant to Florida Rule of Criminal Procedure 3.800(a). To resolve Mr. Ericson's jail credit claim requires factual determinations that are not apparent from the face of the record. Therefore, this claim may not be raised by a rule 3.800(a) motion. See Clifton v. State, 905 So. 2d 1042 (Fla. 2d DCA

2005). Accordingly, we affirm the order without prejudice to any right Mr. Ericson might have to file a timely and facially sufficient sworn motion seeking jail credit under Florida Rule of Criminal Procedure 3.850. Any such motion will not be deemed successive.

Affirmed.

ALTENBERND, KELLY, and WALLACE, JJ., Concur.