

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

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
SECOND DISTRICT

DERRICK BORUM, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

CASE NO. 2D01-4377

Opinion filed November 28, 2001.

Appeal pursuant to Fla. R. App. P.  
9.141(b)(2) from the Circuit Court  
for Hillsborough County;  
Jack Espinosa, Jr., Judge.

SALCINES, Judge.

Derrick Borum appeals the trial court's summary denial of his motion to correct illegal sentence. We affirm.

Borum contends in his motion that he is entitled to 138 days' jail credit for time served in prison and county jail from the date a detainer was placed against him to the date he was sentenced. Because Borum failed to allege in his motion that the trial court records on their face demonstrate that he is entitled to relief, his claim is facially

insufficient. Deese v. State, 782 So. 2d 488 (Fla. 2d DCA 2001). The trial court's denial of his motion is therefore affirmed without prejudice to Borum's right to file a facially sufficient motion for jail credit under Florida Rule of Criminal Procedure 3.800(a). If he is unable to demonstrate that the merits of his motion can be determined from the court records, Borum is entitled to raise the issue in a timely, facially sufficient motion filed pursuant to rule 3.850. Amos v. State, 26 Fla. L. Weekly D2201 (Fla. 2d DCA Sept. 12, 2001).

Affirmed.

THREADGILL, A.C.J., and GREEN, J., Concur.