

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

NORBERTO RIVERA,)
)
 Appellant,)
)
 v.)
)
 STATE OF FLORIDA,)
)
 Appellee.)
)
 _____)

Case No. 2D05-1457

Opinion filed September 28, 2005.

Appeal pursuant to Fla. R. App. P.
9.141(b)(2) from the Circuit Court for
Highlands County; Olin W. Shinholser,
Judge.

CANADY, Judge.

Affirmed without prejudice to the appellant's right to refile his motion
showing entitlement to additional jail time credit pursuant to Gethers v. State, 838 So.
2d 504 (Fla. 2003). See Smith v. State, 884 So. 2d 316 (Fla. 2d DCA 2004).

VILLANTI and WALLACE, JJ., Concur.