

Third District Court of Appeal

State of Florida

Opinion filed August 5, 2020.
Not final until disposition of timely filed motion for rehearing.

No. 3D19-2340
Lower Tribunal Nos. 18-25154, 12-29101A, & 12-29257

Shamel J. Ross,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Milton Hirsch, Judge.

Shamel J. Ross, in proper person.

Ashley Moody, Attorney General, and Joanne Diez, Assistant Attorney General, for appellee.

Before EMAS, C.J., and FERNANDEZ and LINDSEY, JJ.

PER CURIAM.

We affirm the trial court's amended order, rendered within sixty days of the original order, to correctly reflect the amount of jail credit to which the defendant was actually entitled. See Fla. R. Crim. P. 3.800(c)(providing that a trial court may reduce or modify a legal sentence sua sponte, or upon motion filed, within 60 days of its imposition). Compare with Taylor v. State, 145 So. 3d 948, 950 (Fla. 1st DCA 2014)(holding that “[w]here a trial court errs in granting a defendant too much credit for time served, that credit cannot be rescinded *outside of the 60-day period* for modifying a sentence provided in Florida Rule of Criminal Procedure 3.800(c), even if that credit was improperly awarded”) (emphasis added); King v. State, 913 So. 2d 758 (Fla. 2d DCA 2005) (same). See also Gallinat v. State, 941 So. 2d 1237 (Fla. 5th DCA 2006) (holding that, subject to certain limited exceptions, a post-sentencing correction of an erroneous jail credit calculation does not violate double jeopardy principles).