

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JANUARY TERM, A.D. 2004

ISAAC WASHINGTON,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-354
THE STATE OF FLORIDA,	**	
Appellee.	**	LOWER TRIBUNAL NO. 95-11659

Opinion filed March 3, 2004.

An appeal from the Circuit Court for Miami-Dade County,
Ronald C. Dresnick, Judge.

Bennett H. Brummer, Public Defender, and John Eddy Morrison,
Assistant Public Defender, for appellant.

Charles J. Crist, Jr., Attorney General, and Thomas C.
Mielke, Assistant Attorney General, for appellee.

Before COPE, GODERICH and FLETCHER, JJ.

On Motion for Certification and Rehearing

PER CURIAM.

The motion for certification and rehearing is denied.

GODERICH and FLETCHER, JJ., concur.

COPE, J., concurring.

I concur in denial of the motion for rehearing and certification. However, the motion for rehearing calls to our attention the fact that under an administrative order of the circuit court, civil commitment proceedings under the Jimmy Ryce Act are assigned to the criminal division of the circuit court, in the same division in which the final judgment in the criminal case was entered. This is a sensible procedure. To the extent that my previously-filed special concurrence suggested that the proceedings under the Jimmy Ryce Act are conducted in another division of circuit court, I stand corrected.

It appears that the majority adheres to the view that the request for credit for time previously served should be refiled in the criminal case. As stated in the earlier special concurrence, I would prefer to reach that issue here, but acknowledge that refiling the claim by postconviction motion in the criminal case does provide the defendant with an effective remedy to correct the length of the probationary portion of his split sentence.