

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

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
THIRD DISTRICT
JULY TERM, A.D. 2002

LAZARO T. VASQUEZ,	**	
Appellant,	**	
vs.	**	CASE NO. 3D02-1879
THE STATE OF FLORIDA,	**	LOWER
Appellee.	**	TRIBUNAL NO. 94-8172

Opinion filed October 30, 2002.

An Appeal under Fla.R.App.P. 9.141(b)(2) from the Circuit Court for Dade County, Jose M. Rodriguez, Judge.

Lazaro T. Vasquez, in proper person.

Robert A. Butterworth, Attorney General and Sandra R. Braverman (Fort Lauderdale), Assistant Attorney General, for appellee.

Before SCHWARTZ, C.J., and LEVY and GREEN, JJ.

PER CURIAM.

As in Ramos v. State, 823 So. 2d 265 (Fla. 3d DCA 2002), the trial court erroneously denied the appellant's Rule 3.800 claim to credit for time served before sentencing on the ground that required administrative remedies had not been pursued. As the

state again agrees, however, such action is required only as to claims to time served post-sentencing. *Ramos v. State*, 823 So. 2d 265 (Fla. 3d DCA 2002); *Garcia v. State*, 736 So. 2d 1224 (Fla. 3d DCA 1999). The order is therefore reversed and remanded for an appropriate hearing on the appellant's motion at which he may prevail if "the court records demonstrate on their face an entitlement to relief." *State v. Mancino*, 714 So. 2d 429, 433 (Fla. 1998); Ramos, 823 So. 2d at 265.

Reversed and remanded.