

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

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

GREGORY B. MASSEY,  
Petitioner,

vs.

JAMES V. CROSBY, JR.,  
SECRETARY, FLORIDA DEPARTMENT  
OF CORRECTIONS,

Respondent.

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CASE NO. 3D03-3367  
LOWER TRIBUNAL NO.96-467

Opinion filed March 17, 2004.

A case of original jurisdiction - Habeas Corpus

Gregory B. Massey, in proper person.

Judy Bone, for respondent.

Before LEVY, GERSTEN, and WELLS, JJ.

PER CURIAM.

The defendant's petition for writ of habeas corpus claiming  
improper calculation of gain time is denied. See §

944.275(4)(b)3, Fla. Stat. (1995) (enacted by chapter 95-294, § 2, Laws of Florida and providing that "[f]or sentences imposed for offenses committed on or after October 1, 1995, the department may grant up to 10 days per month of incentive gain-time . . .); Comer v. Moore, 817 So. 2d 784 (Fla. 2002) (concluding that even though chapter 95-184, Laws of Florida - which included some gain time provisions - was unconstitutional, chapter 95-294, Laws of Florida - which provided for reduced gain time for all offenders - is constitutional).