

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

SHANNON DEMETRIOUS GERALD,  
Appellant,

vs.

THE STATE OF FLORIDA,  
Appellee.

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\*\* CASE NO. 3D04-623

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\*\* LOWER  
TRIBUNAL NO. 98-33400D

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Opinion filed August 4, 2004.

An Appeal from the Circuit Court for Miami-Dade County,  
Henry Leyte-Vidal, Judge.

Shannon Demetrious Gerald, in proper person.

Charles J. Crist, Jr., Attorney General, and Lucretia A.  
Pitts, Assistant Attorney General, for appellee.

Before COPE, GREEN and SHEVIN, JJ.

Confession of Error

PER CURIAM.

Shannon Demetrious Gerald appeals an order denying his  
motion to correct illegal sentence whereby he sought additional

credit for time served. Pursuant to the State's confession of error, we remand for further proceedings.

Defendant-appellant Gerald served a split sentence of incarceration followed by community control. He violated community control and was sentenced to six years in prison. The sentencing order granted credit for 468 days of jail time served, but did not award credit for time previously served in the Florida Department of Corrections.

The State concedes that the defendant is entitled to credit for prison time previously served on the case on which he is incarcerated.<sup>1</sup> Under the applicable statute, the sentencing order should reflect that the defendant is being awarded prison credit, and the calculation of the time previously served in the Department of Corrections is left to the Department to compute. See § 921.0017, Fla. Stat. (1997); Newman v. State, 866 So. 2d 751 (Fla. 5<sup>th</sup> DCA 2004); Andrews v. State, 822 So. 2d 540 (Fla. 2d DCA 2002).

We therefore reverse the order now before us and remand for further proceedings consistent herewith. The defendant need not be present.

Reversed and remanded.

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<sup>1</sup> Miami-Dade County Circuit Court case number 98-33400.