

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., 2004

JOSUE RIVERA

Appellant,

vs.

THE STATE OF FLORIDA

Appellee.

**

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** CASE NO. 3D04-1330

**

** LOWER

TRIBUNAL NO. 98-34669

**

Opinion filed August 4, 2004.

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

Josue Rivera, in proper person.

Charles J. Crist, Jr., Attorney General, and Meredith J. Balo, Assistant Attorney General, for appellee.

Before GREEN, RAMIREZ, and SHEPHERD, JJ.

PER CURIAM.

Because appellant's time spent at a residential drug treatment program is not equivalent to incarceration, the trial court properly denied his motion for additional credit for time

served. See Pennington v. State, 398 So. 2d 815 (Fla. 1981).
See also Toney v. State, 817 So. 2d 924 (Fla. 2d DCA 2002);
Taylor v. State, 726 So. 2d 348 (Fla. 3d DCA 1999) Self v.
State, 504 So. 2d 810 (Fla. 2d DCA 1987).

Affirmed.