

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

DONNY ROSS,

Appellant,

v.

CASE NO. 1D09-6014

STATE OF FLORIDA,

Appellee.

_____/

Opinion filed April 20, 2010.

An appeal from the Circuit Court for Escambia County.
Frank L. Bell, Judge.

Donny Ross, pro se, Appellant.

Bill McCollum, Attorney General, and Jennifer J. Moore, Assistant Attorney
General, Tallahassee, for Appellee.

KAHN, J.

Appellant Donny Ross appeals the trial court's denial of his motion for postconviction relief filed under Florida Rule of Criminal Procedure 3.800(a). The appellant alleges that he is entitled to additional credit for 82 days served in county

jail prior to sentencing. Appellant does not, however, affirmatively allege “that the court records demonstrate on their face an entitlement to . . . relief” Fla. R. App. P. 3.800(a). Although jail-time credit is available under a Rule 3.800(a) proceeding, the prisoner “must demonstrate that the record shows an entitlement to additional jail credit” Williams v. State, 4 So. 3d 728 (Fla. 5th DCA 2009).

Here, appellant, in his quite straightforward motion, suggests that the records of the Escambia County Jail will show a period of his incarceration at that facility until he was transferred to the Florida Department of Corrections to begin serving the present sentence. We decline to read this as an allegation that the court records will demonstrate on their face entitlement to relief, due to our concern that appellant appears to be pointing toward extraneous evidence, not part of the court record. Accordingly, we conclude that the motion is facially insufficient.

AFFIRMED.

DAVIS and THOMAS, JJ., CONCUR.