

Third District Court of Appeal

State of Florida, July Term, A.D. 2008

Opinion filed December 10, 2008.

Not final until disposition of timely filed motion for rehearing.

No. 3D08-2824

Lower Tribunal No. 06-27400

Florencio Mazorra,
Appellant,

vs.

The State of Florida,
Appellee.

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

Florencio Mazorra, in proper person.

Bill McCollum, Attorney General, for appellee.

Before COPE, RAMIREZ, and LAGOA, JJ.

PER CURIAM.

This is an appeal of an order denying a motion under Florida Rule of Criminal Procedure 3.800(a), requesting additional credit for time served. We see no error. The postconviction record now before us reflects that defendant-appellant Florencio Mazorra was released on his own recognizance in Miami-Dade County circuit court case number 06-27400 on September 19, 2006. It makes no difference that the defendant remained in custody on a separate matter, his violation of probation case. He is not entitled to additional credit in case number 06-27400. See James v. State, 721 So. 2d 1265 (Fla. 3d DCA 1998).

Affirmed.