

# Third District Court of Appeal

State of Florida, July Term, A.D. 2009

Opinion filed October 7, 2009.  
Not final until disposition of timely filed motion for rehearing.

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No. 3D09-761  
Lower Tribunal No. 98-11015

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**Terry Tyrone Mason,**  
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, William Thomas, Judge.

Terry Tyrone Mason, in proper person.

Bill McCollum, Attorney General, and Magaly Rodriguez, Assistant Attorney General, for appellee.

Before RAMIREZ, C.J., and LAGOA, and SALTER, JJ.

PER CURIAM.

Terry Tyrone Mason appeals the trial court's order summarily denying his Motion to Correct Illegal Sentence as to credit for time served under Florida Rule of Criminal Procedure 3.800(a). Appellee, the State of Florida, filed a confession

of error noting that it is the trial court's responsibility to order that the amount of prison credit which is due be provided. See Smith v. State, 921 So. 2d 794, 796 (Fla. 5th DCA 2006). Here, the State admits that the trial court did not address Mason's claim concerning prison credit. The trial court credited Mason with "896 days of credit for time served in the Miami-Dade County Jail." Although the body of the order references to the Miami-Dade County Department of Corrections certification of credit time served, no portion of the document was attached to the order.

Accordingly, we reverse and remand with instructions that the trial court: (1) support its conclusion that Mason is entitled to the jail credit time awarded by attaching records; and (2) either issue an amended order attaching documents to conclusively refute the claim or provide the relief requested by the defendant. See Fla. R. App. P. 9.141(b)(2)(D) (requiring reversal by this Court unless the record shows conclusively that the defendant is entitled to no relief).

Reversed and remanded.