

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2024-0759

DONALD DAVIS,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Escambia County.
Jennie Kinsey, Judge.

March 19, 2025

PER CURIAM.

Donald Davis filed a “motion to correct sentence” asserting that the trial court failed to award him jail credit when it sentenced him in 1990. The trial court denied the motion, asserting it was untimely pursuant to Florida Rule of Criminal Procedure 3.801(b). On appeal, Davis argues that rule 3.801 does not apply to his motion because the rule was adopted in 2013, long after his claim arose in 1990. As such, Davis asserts that Florida Rule of Criminal Procedure 3.800(a), which does not contain a filing deadline, applies to his claim.

Rule 3.801 authorizes a motion to correct a sentence that fails to allow a defendant credit for all of the time spent in county jail before sentencing, and provides that such motion must be filed

within one year after the sentence becomes final. Fla. R. Crim. P. 3.801(a), (b). When the Florida Supreme Court adopted the rule in 2013, it indicated in subdivision (b) that “[f]or sentences imposed prior to July 1, 2013, a motion under this rule may be filed on or before July 1, 2014.” *In re Amends. to Fla. Rules of Crim. Proc. & Fla. Rules of App. Proc.*, 132 So. 3d 734, 746 (Fla. 2013). Because Davis did not file his claim before that date, the court did not err in finding his motion untimely.

AFFIRMED.

LEWIS, BILBREY, and WINOKUR, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Donald Davis, pro se, Appellant.

James Uthmeier, Attorney General, and Benjamin Hoffman, Assistant Attorney General, Tallahassee, for Appellee.