

Rule 3.9875. Motion for Jail Credit

MODEL FORM FOR USE IN MOTIONS FOR
CORRECTION OF JAIL CREDIT PURSUANT TO
FLORIDA RULE OF CRIMINAL PROCEDURE 3.801

In the Circuit Court of the

Judicial Circuit,

in and for

County, Florida

State of Florida)

)

v.)

)

,)

(your name))

)

,)

MOTION FOR CORRECTION OF JAIL CREDIT

INSTRUCTIONS FOR FILING MOTION FOR JAIL CREDIT
PURSUANT TO FLORIDA RULE OF CRIMINAL PROCEDURE 3.801
READ CAREFULLY

1. The attached motion is the only type of motion you are permitted to file to obtain in-state jail credit omitted from your final sentence. It may not be used to obtain out-of-state jail credit.
2. You must file this motion within 1 year of the date your sentence became final.
3. Only 1 motion may be filed to obtain jail credit omitted from your final sentence. No successive motion for jail credit from a final sentence will be considered.

4. You must complete the attached motion by filling in the blank spaces.
5. You must tell the truth and sign the attached motion. If you make a false statement of a material fact in your motion, you may be prosecuted for perjury.
6. You must file the attached motion in the court that imposed the sentence on which the jail credit was omitted.
7. You are not required to pay a filing fee to file the attached motion.

MOTION FOR CORRECTION OF JAIL CREDIT

(hereinafter "defendant"), in pro se fashion, respectfully moves this Honorable Court for jail credit pursuant to section 921.161(1), Florida Statutes, and Florida Rule of Criminal Procedure 3.801. In support of the motion, the defendant states the following in a question-and-answer format:

1. What is/are the FACT(S) that was/were omitted from any sentence(s) imposed in this case that entitle you to jail credit?
2. Is this the first motion you have filed requesting this jail credit? If you answered NO, how many prior motions have you filed?
As to EACH motion, what was the result?
3. If you have already received jail credit on any sentence(s) imposed in this case, what was the total time for jail credit on each sentence?

What dates did this jail credit cover?

Where were you incarcerated?

4. What is the total time for jail credit that you are requesting in this motion that you have NOT YET RECEIVED on any sentence(s) imposed in this case?

What dates does this jail credit cover?

Where were you incarcerated?

Did you have any other charge(s) pending during this time frame?

If the answer is YES, as to EACH charge, what is the case number, name of county, and resolution of charge(s)?

5. Was your sentence the result of a trial or plea?

If your sentence was the result of a plea:

Was it a negotiated plea with the state or was it an open plea to the court?

Did you sign a written plea agreement?

Did you sign a written rights waiver form?

Did you waive any county jail credit as part of the plea?

If so, how many days did you agree to waive?

6. Under penalties of perjury and administrative sanctions from the Department of Corrections, including forfeiture of gain time if this motion is found to be frivolous or made in bad faith, I certify that I understand the contents of the foregoing motion, that the facts contained in the motion are true and correct, and that I have a reasonable belief that the motion is timely filed. I certify that this motion does not duplicate previous motions that have been disposed of by the court. I further certify that I understand English and have read the foregoing motion or had the motion read to me, or the foregoing motion was translated completely into a language which I understand and read to me by(name)....., whose address is(address)....., and whose certification of an accurate and complete translation is attached to this motion.

WHEREFORE, the defendant respectfully moves the court to grant this motion for days of additional jail credit, for a total of days of credit.

/s/

Name

DC#

Certificate of Mailing

(Must use Certificate of Mailing OR Certificate of Service)

I certify that I placed this document in the hands of(here insert name of institution

official)..... for mailing to(here insert name or names and addresses used for service)..... on
.....(date).....

/s/

Name

Address

DC#

Certificate of Service

(Must use Certificate of Mailing OR Certificate of Service)

I certify that the foregoing document has been furnished to(here insert name or names,
addresses used for service and mailing addresses)..... by (e-mail) (delivery) (mail) (fax) on
.....(date).....

/s/

Attorney

Certificate of an Accurate and Complete Translation

(To be used if translation of the motion was necessary.)

I certify that a complete and accurate translation of this motion was provided to the defendant
in this case on(date).....

/s/

Name

Address