

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Jerartis Icon v. State of Florida

No. No. 3D25-0772, Third District Court of Appeal of Florida (October 22, 2025)

SUMMARY

The Third District Court of Appeal of Florida affirmed an order striking Jerartis Icon's motion to clarify concurrent sentences and jail with prison credits as successive. The court held that Florida Rule of Criminal Procedure 3.801(d) prohibits consideration of a successive motion for jail credit, and that the attached prior motion and denial established the motion's successive nature.

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed October 22, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-0772 Lower Tribunal No. F16-20205 _____ Jerartis Icon, Appellant, vs. State of Florida, Appellee. An Appeal under Florida Rule of Appellate Procedure 9.141(b)(2) from the Circuit Court for Miami-Dade County, Milton Hirsch, Judge.

Jerartis Icon, in proper person. James Uthmeier, Attorney General, and Daniel Colmenares, Assistant Attorney General, for appellee. Before SCALES, C.J., and LOGUE and BOKOR, JJ. PER CURIAM. Jerartis Icon appeals a March 31, 2025 order ("Order") that strikes, as successive, Icon's April 2, 2024 "Motion to Clarify Concurrent Sentences and Jail with Prison Credits" ("Motion").

See Fla. R. Crim. P. 3.801 (governing the correction of jail credit after a criminal sentence becomes final). Attached to the Order are copies of (i) Icon's initial rule 3.801 motion, filed below on November 27, 2023, and (ii) the trial court's December 15, 2023 order denying relief, that conclusively shows the Motion was successive. See Fla. R. Crim. P. 3.801(e) (incorporating Florida Rule of Criminal Procedure 3.850(f)(5)).

Because rule 3.801(d) expressly prohibits a trial court from considering a successive motion for jail credit, the trial court did not err by entering the challenged Order striking the Motion. Affirmed. 2