

CASE NO: 2021-CF-129, 2021-CF-880,
2021-CF-1152

September 21, 2022

Judge Perkins:

It is asked that you please consider the following and Amend your September 20, 2022 Order to include jail credit for ALL time in the county jail, including the time on March 11, 2021 and May 23, 2022 (end dates) that Defendant Duane Weeks Jr served in the county jail. Per the jail credit calculator on a Florida Attorney's website (<https://koonlegal.com/jail-credit-calculator/#>) the dates of February 7, 2021 through March 11, 2021 and September 7, 2021 and May 23, 2022 a total of 292 days (not 290 days that the Court allowed to be credited) was served by the Defendant in the county jail, which is two days more (292) than the Court has given Defendant Duane Weeks Jr credit for serving in the county jail (290). The Defendant has only been given 290 days credit for jail time served by the Court and Florida Statutes allows for the Defendant to be credited for ALL time spent in the county jail before sentence. There does not appear to be an exception to exclude "end date" (bonding out March 11, 2021), or time served in the county jail before sentence was imposed (May 23, 2022).

Per "APPENDIX A" it appears credit was not given for time served in the county jail on the day Defendant bonded out on March 11, 2021, even though he served time in the county jail on this date. It also appears credit was not given for time served in the county jail the date Defendant was sentenced on May 23, 2022, and Defendant did serve time in the county jail on this date,, and per Florida Statute 921.161 it is clearly stated the court imposing a sentence SHALL allow a defendant credit for "ALL" of the time she or he spent in the county jail before sentence. If jail credit had not been denied for March 11, 2021 and May 23, 2022 (end dates) Duane Weeks Jr's jail time credit would be 292 days, the same credit he asked for in the Motion filed with the Court on September 15, 2022. The Order filed September 20, 2022 is believed to incorrectly state the Defendant was granted all the credit he was entitled to at sentencing (290 days) because jail credit was not given for "end dates" of March 11, 2021 and May 23, 2022, and it is asked that the Court recalculate jail time served and issue an amended Order reflecting full

credit for ALL of the time the Defendant spent in the county jail as Florida Statutes 921.161 allows.

Inmates who are sentenced are released the morning of the last day of their sentence, and yet their sentence is deemed to have been fulfilled. Because Defendant Duane Weeks Jr served time in the county jail on March 11, 2021 and May 23, 2022 (before he was sentenced) it is understood per Florida Statute 921.161 Defendant Duane Weeks Jr is due credit for jail time served for the time he served in the county jail on March 11, 2021 and May 23, 2022, as Florida Statute 921.161 allows for credit for "ALL" time served; there does not appear to be an exception.

It is shown in "APPENXIX A" that credit was not given for the March 11, 2021 and May 23, 2022 (ending dates) as Appendix A reflects "From and including: Sunday February 7, 2021 to, but not including Thursday March 11, 2021" and "It is 32 days from the start date to the end date, but not including the end date Or 1 month, 4 days excluding the end date" and "It is 258 days from the start date to the end date, but not including the end date Or 8 months, 16 days excluding the end date." Excluding the "end date" would confirm that credit was not given on both of end dates (March 11, 2021 and May 23, 2022), and there is no exception in the Florida Statute 921.161 to exclude any jail time served. Because jail time credit was not given for March 11, 2021 and May 23, 2022 at the time of sentencing on May 23, 2022, and jail time credit was denied for March 11, 2021 and May 23, 2022 per the Order issued on September 20, 2022, it is believed the Court relied on the same inaccurate information reflected on "APPENDIX A" of the September 20, 2022 Order that was relied on May 23, 2022 at sentencing, and it is requested that the court reconsider the September 15, 2022 Motion and recalculate the jail time served for Defendant Duane Weeks Jr, and confirm that Defendant Duane Weeks Jr is given credit for ALL (100%) of jail time served, including the end dates.

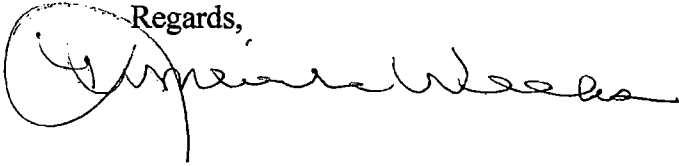
Inmates are often released after 8:00 a.m. (wake up) on the date their sentence is deemed to be fulfilled and jail credit is given for the date of release regardless of what time the inmate is released, which would be no different than any other end date; therefore this too supports the fact that the Defendant should be given credit just the same, for ALL time spent in the county jail

before sentencing, which would include March 11, 2021 and May 23, 2022 for a total of 292 days credit. The Defendant did not, was not, is not requesting post sentencing credit, the Defendant sought credit for all jail time served up until the time the Defendant was sentenced.

It is unfortunate that Duane Weeks Jr was prevented from earning approximately 44 days gain time on his sentence because he remained in the county jail waiting hundreds of days for his case to move forward, and for 4 public defenders to defend him, before he accepted the plea offer.

Time is of essence, as the release date for Defendant Duane Weeks Jr is soon, so it is asked that you please give this matter your immediate attention. The Defendant must have an Order reflecting credit for all jail time served prior to sentencing received by Friday, September 23, 2022 or he will be serving more time than should be required. It has been since May 2022 that this matter has been attempted to be resolved.

Regards,

A handwritten signature in black ink, appearing to read "Duane Weeks Jr", written over the word "Regards,".

Start Date (mm/dd/yyyy) 09/07/2021 End Date (mm/dd/yyyy) 05/23/2022 Total: 259 <input type="checkbox"/> Add Location / Facility <input checked="" type="checkbox"/> Add Another Date
Start Date (mm/dd/yyyy) 02/07/2021 End Date (mm/dd/yyyy) 03/11/2021 Total: 33 <input type="checkbox"/> Add Location / Facility <input type="checkbox"/> Add Another Date
TOTAL DAYS YOU HAVE EARNED 292

APPENDIX A

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6347 CR 305
Bunnell FL 32110



Clark of Court
1769 E. Moody Blvd Bldg #1
Bunnell FL 32110

Felony Div.

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