

SUPREME COURT OF WYOMING

Manes v. State

2007 WY 6 (Wyo. 2007) · No. No. 05-301 · Decided January 17, 2007

SUMMARY

The Wyoming Supreme Court affirmed the denial of Edward Manes's motion to correct his sentence. The court held that he received all presentence incarceration credit to which he was entitled for the explosives conviction and was not entitled to additional credit based on the concurrent status of his sentences.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Voigt, C.J.; Golden, J.; Hill, J.; Kite, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	January 17, 2007
DOCKET	No. 05-301
DISPOSITION	affirmed
PROCEDURAL POSTURE	Manes appealed the district court's order denying his motion to correct an allegedly illegal sentence and award additional presentence-incarceration credit.
STANDARD OF REVIEW	Whether a sentence is illegal is a question of law reviewed de novo.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	Edward C. Manes v. State of Wyoming

TOPICS

- sentencing
- sentence modification
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- Criminal law
- Sentencing
- Appellate procedure
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the district court erred in refusing to correct Manes's sentence.

2. Whether Manes was entitled to an additional five days of presentence-incarceration credit against the explosives-case sentence after that sentence was modified to run concurrently with the drug-case sentences.

HOLDINGS

1. A sentence that violates constitutional or statutory law, including one that fails to include proper presentence-incarceration credit, is an illegal sentence subject to correction at any time under W.R.Cr.P. 35(a), and the legality of the sentence is reviewed de novo.
2. Manes was not entitled to additional presentence-incarceration credit because the five days at issue were attributable solely to the drug case and occurred before his arrest on the explosives charge; the remaining confinement had already been credited.

KEY QUOTATIONS

“An illegal sentence is one which exceeds statutory limits, imposes multiple terms of imprisonment for the same offense, or otherwise violates constitutions or the law.” (¶ 7)

“Mr. Manes is simply not entitled to any additional credit for presentence incarceration.” (¶ 9)

FACTUAL BACKGROUND

Manes was arrested in September 2001 on drug charges and later arrested in October 2001 on explosives charges arising from the discovery of blasting caps in his residence. He received 69 days of presentence credit in the drug case and 147 days in the explosives case. After the explosives sentence was modified from consecutive to concurrent, he claimed entitlement to 216 days of credit against that sentence, but the court concluded he had already received all credit to which he was entitled.

PROCEDURAL HISTORY

Manes received sentences in separate drug and explosives cases. The explosives-case sentence was initially consecutive to the drug-case sentences, but the district court later modified it to run concurrently. Manes then sought 216 days of presentence-incarceration credit against the explosives sentence; the district court denied the motion, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Manes v. State, 2004 WY 70, 92 P.3d 289 (Wyo. 2004)
- Manes v. State, 2004 WY 33, 86 P.3d 1274 (Wyo. 2004)
- Martinez v. State, 2002 WY 10, ¶ 9, 39 P.3d 394, 396 (Wyo. 2002)
- Duran v. State, 949 P.2d 885, 887 (Wyo. 1997)
- Spencer v. State, 2005 WY 105, ¶ 11, 118 P.3d 978, 982 (Wyo. 2005)

- Brown v. State, 2004 WY 119, ¶ 7, 99 P.3d 489, 491 (Wyo. 2004)
- Young v. State, 2002 WY 68, ¶ 7, 46 P.3d 295, 297 (Wyo. 2002)
- Segnitz v. State, 7 P.3d 49, 52 (Wyo. 2000)
- Smith v. State, 988 P.2d 39, 40 (Wyo. 1999)
- Milladge v. State, 900 P.2d 1156, 1160 (Wyo. 1995)
- Renfro v. State, 785 P.2d 491, 498 (Wyo. 1990)
- Gomez v. State, 2004 WY 15, ¶ 18, 85 P.3d 417, 421 (Wyo. 2004)

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