

SUPREME COURT OF IDAHO

State v. Jason Roy Barrett

414 P.3d 1188 (Idaho 2018) · No. 45598 · Decided March 26, 2018

SUMMARY

The Idaho Supreme Court affirmed the denial of Jason Roy Barrett’s request for an additional 47 days of credit for time served. The court held that a Hold Notice Request served while Barrett was incarcerated for a prior, unrelated offense did not constitute a legal or otherwise established basis for incarceration under Idaho Code section 18-309. A partial dissent would have awarded credit from the date the hold notice was served.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Brody, Justice; Bevan, Justice; Melanson, Justice Pro Tem; Petty, Justice Pro Tem; Burdick, Chief Justice
JURISDICTION	Idaho
DECIDED	March 26, 2018
DOCKET	45598
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Idaho Supreme Court granted the State's petition for review of the Idaho Court of Appeals' decision reversing the district court's denial of Barrett's request for additional credit for time served.
STANDARD OF REVIEW	On review of a Court of Appeals decision, the Idaho Supreme Court directly reviews the district court as though the case were on direct appeal. Whether a sentencing court properly awarded credit for time served is a question of law subject to free review.
PRECEDENTIAL VALUE	published
PARTIES	Jason Roy Barrett v. State of Idaho

TOPICS

- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether service of a Hold Notice Request on a defendant already incarcerated for a prior, unrelated offense provided a legal or actual basis for incarceration under Idaho Code section 18-309.
2. Whether Barrett was entitled to credit for the 47-day period between service of the Hold Notice Request and service of the arrest warrant.
3. Whether the district court's sentence was excessive or failed to account adequately for Barrett's substance-abuse issues and desire for treatment.

HOLDINGS

1. Service of the Hold Notice Request did not entitle Barrett to credit for the 47 days preceding service of the arrest warrant because the document was not shown to be a legal basis for incarceration, and the record did not establish that Barrett was actually held pursuant to it even without proper legal authority.
2. The district court's sentence was affirmed because the district court properly weighed the sentencing factors within its discretion.

KEY QUOTATIONS

“The question of whether a sentencing court has properly awarded credit for time served to the facts of a particular case is a question of law, which is subject to free review by the appellate courts.” (1190)

“It is irrelevant if the defendant’s incarceration rests on several, unrelated offenses, as the fact remains that each offense provides a basis for the defendant’s incarceration.” (1192)

“In sum, absent authority establishing that the Hold Notice Request was a legal basis of incarceration or evidence showing that Barrett was actually held pursuant to the Hold Notice Request even without proper authority, its service on Barrett did not implicate section 18-309 and Barrett is not entitled to the credit for time served he seeks.” (1193)

FACTUAL BACKGROUND

Barrett was incarcerated after being arrested for a parole violation arising from a prior, unrelated conviction. While he was incarcerated, the State filed new drug and obstruction charges and obtained an arrest warrant. Before the warrant was served, an Ada County Sheriff's Office Hold Notice Request was sent to the Idaho Department of Correction and served on Barrett. The arrest warrant was later served at Barrett's initial appearance, and the district court awarded credit for time served from that date but not for the preceding 47 days.

PROCEDURAL HISTORY

Barrett pleaded guilty to possession of methamphetamine with intent to deliver after being charged with that offense and three misdemeanors. The district court sentenced him to ten years, with three and one-half years determinate, concurrent with a prior sentence, and awarded credit beginning when the arrest warrant was served,

but denied credit for the preceding 47 days beginning with service of a Hold Notice Request. The Court of Appeals affirmed the sentence but reversed the denial of the additional 47 days. The Idaho Supreme Court granted review and affirmed the district court.

DISPOSITION

affirmed

CASES CITED

- State v. Garcia-Rodriguez, 162 Idaho 271, 274, 396 P.3d 700, 703 (2017)
- State v. Oliver, 144 Idaho 722, 724, 170 P.3d 387, 389 (2007)
- State v. James, 148 Idaho 574, 576, 225 P.3d 1169, 1171 (2010)
- State v. Taylor, 160 Idaho 381, 384-85, 373 P.3d 699, 702-03 (2016)
- State v. Vasquez, 142 Idaho 67, 68, 122 P.3d 1167, 1168 (Ct. App. 2005)
- Burrup v. Stanger, 115 Idaho 114, 765 P.2d 139 (1988)
- Sato v. Schossberger, 117 Idaho 771, 774-75, 792 P.2d 336, 339-40 (1990)
- State v. Brand, 162 Idaho 189, 395 P.3d 809 (2017)
- State v. Owens, 158 Idaho 1, 343 P.3d 30 (2015)
- State v. Bitkoff, 157 Idaho 410, 413-14, 336 P.3d 817, 820-21 (Ct. App. 2014)
- State v. Kesling, 155 Idaho 673, 678, 315 P.3d 861, 865 (Ct. App. 2013)
- State v. Covert, 143 Idaho 169, 170-71, 139 P.3d 771, 772-73 (Ct. App. 2006)
- State v. Barrett, No. 43947, 2017 WL 4800125 (Idaho Ct. App. Oct. 25, 2017)