

SUPREME COURT OF VERMONT

State v. Young

181 Vt. 603 (2007) · Decided April 19, 2007

SUMMARY

The Vermont Supreme Court dismissed a defendant’s appeal challenging the calculation of credit for time served. The court held that the Department of Corrections is generally responsible for calculating such credit, and that a defendant disputing the calculation must first pursue an administrative grievance and then seek review in superior court under V.R.C.P. 75.

CASE DETAILS

COURT	Supreme Court of Vermont
JURISDICTION	Vermont
DECIDED	April 19, 2007
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed the district court's sentence, arguing that the court failed to award credit for time served.
PRECEDENTIAL VALUE	published opinion
PARTIES	Young v. State

TOPICS

- sentencing
- exhaustion of remedies
- appellate procedure
- criminal procedure
- administrative law

PRACTICE AREAS

- criminal procedure
- sentencing
- administrative law
- appellate procedure

QUESTIONS PRESENTED

- Whether the district court was required to calculate and award defendant's requested credit for time served.
- Whether defendant could obtain review of the Department of Corrections' time-served calculation through a direct appeal rather than through the administrative grievance process and subsequent V.R.C.P. 75 review.

HOLDINGS

1. Under 13 V.S.A. §§ 7031 and 7044, the statutes do not require the trial court to calculate time-served credit; the court may order the Department of Corrections to make the calculation.
2. A defendant disputing the Department of Corrections' calculation of time-served credit must first file a grievance with the Commissioner of Corrections and then seek superior-court review under V.R.C.P. 75; a direct appeal to the Supreme Court is improper.

KEY QUOTATIONS

“Sections 7031 and 7044, read together, do not require the trial court to calculate time served, but rather allow the court to order the DOC to do so.” (181 Vt. at 604)

“Should a defendant dispute the DOC’s calculation, he or she may file a grievance with the commissioner, and thereafter seek review in the superior court under V.R.C.P. 75.” (181 Vt. at 605)

FACTUAL BACKGROUND

In May 2003, defendant received a two-to-eight-year sentence on four felony charges, suspended except for time served, and was placed on probation. After his February 2004 arrest for probation violations, he was sentenced in July 2004 on new motor vehicle offenses and the violation charges, receiving credit for time served since February 4, 2004. When probation was later revoked in August 2005, defendant requested credit for time served between February 4 and July 9, 2004, but the district court ordered credit according to law and left the computation to the Department of Corrections.

PROCEDURAL HISTORY

Young was sentenced on felony and motor vehicle offenses and later had his probation revoked. The district court ordered credit for time served according to law but left calculation of the credit to the Department of Corrections. Young appealed directly to the Vermont Supreme Court without first pursuing a grievance with the Commissioner of Corrections and review in superior court under V.R.C.P. 75.

DISPOSITION

dismissed

CASES CITED

- Ladd v. Gorczyk, 2004 VT 87, ¶ 3, 177 Vt. 551, 861 A.2d 1094 (mem.)
- In re McPhee, 141 Vt. 4, 6-9, 442 A.2d 1285, 1286-88 (1982)
- In re Zera, 137 Vt. 421, 425, 406 A.2d 396, 398 (1979)
- State v. Blondin, 164 Vt. 55, 64, 665 A.2d 587, 593 (1995)

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