

SUPREME COURT OF WYOMING

Beyer v. State

2008 WY 137 (Wyo. 2008) · No. S-08-0046 · Decided November 19, 2008

SUMMARY

The Supreme Court of Wyoming affirmed the denial of Craig Beyer's motion to correct an illegal sentence. The court held that Beyer was not entitled to credit against his sentence for time spent in an inpatient substance-abuse treatment program because the district court had not imposed official detention, and an alleged statement by a probation officer did not alter that conclusion.

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	November 19, 2008
DOCKET	S-08-0046
DISPOSITION	affirmed
PROCEDURAL POSTURE	Beyer appealed the district court's denial of his motion to correct an illegal sentence, seeking credit toward his sentence for time spent in an inpatient substance-abuse treatment program while on probation.
STANDARD OF REVIEW	Whether a sentence is illegal is a question of law reviewed de novo. The denial of the motion was otherwise reviewed under the abuse-of-discretion framework identified by the parties.
PRECEDENTIAL VALUE	Published Wyoming Supreme Court opinion; precedential
PARTIES	Craig James Beyer v. The State of Wyoming

TOPICS

- sentence modification
- probation
- sentencing
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- probation
- appellate procedure

QUESTIONS PRESENTED

1. Whether Beyer was entitled to credit against his sentence for time spent in an inpatient alcohol-treatment program while on probation when the sentencing court did not order that he was in official detention or subject to an escape charge for leaving the program.
2. Whether the district court abused its discretion or imposed an illegal sentence by denying Beyer's motion to correct the sentence.

HOLDINGS

1. A probationer is entitled to credit for time spent in an inpatient alcohol-treatment facility only when the circumstances establish official detention such that a charge of escape would lie. A probation condition requiring treatment and compliance with treatment recommendations, without a court order imposing official detention, does not qualify.
2. The sentence was not illegal because it did not include credit for the time Beyer spent in the treatment program, and the district court properly denied the motion to correct the sentence.

KEY QUOTATIONS

“A probationer is entitled to credit for time spent in an inpatient alcohol treatment facility when a charge of escape will lie.” (2008 WY 137)

“The alleged statement by the probation officer that Mr. Beyer could be charged with escape does not impact our analysis.” (2008 WY 137)

FACTUAL BACKGROUND

Beyer pleaded guilty to felony child abuse after the State dismissed a misdemeanor battery charge, receiving a suspended three-to-five-year prison sentence, six months in jail, and five years of supervised probation. His probation conditions required a substance-abuse evaluation and compliance with its recommendations. After probation was revoked twice for alcohol-related violations, the court reimposed the prison sentence and awarded credit for some time served, but not for 117 days Beyer spent in an inpatient treatment program that he claimed he attended under threat of revocation and an escape charge.

PROCEDURAL HISTORY

Beyer pleaded guilty to felony child abuse under a plea agreement, and the district court imposed a suspended three-to-five-year prison sentence, six months in jail, and five years of supervised probation. After two probation revocations, the court reimposed the prison sentence and awarded specified credit for time served, but denied credit for 117 days spent in treatment. The district court denied Beyer's motion to correct an illegal sentence, and the Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- YellowBear v. State, 874 P.2d 241, 245-46 (Wyo. 1994)
- Doolittle v. State, 2007 WY 52, ¶ 18, 154 P.3d 350, 356 (Wyo. 2007)
- Manes v. State, 2007 WY 6, ¶ 7, 150 P.3d 179, 181 (Wyo. 2007)

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