

SUPREME COURT OF VERMONT

King v. Hofmann

183 Vt. 583 (2008) · Decided February 6, 2008

SUMMARY

The Vermont Supreme Court affirmed the dismissal of inmate complaints challenging the Department of Corrections’ methodology for calculating good-time credit. The court held that 28 V.S.A. § 811 bases earned credit on periods of actual incarceration and that a 2005 statutory amendment did not require retrospective calculation based on the originally imposed sentences.

CASE DETAILS

|                       |                                                                                                                                                                                                |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Vermont                                                                                                                                                                       |
| WRITING FOR THE COURT | Corsones, J.                                                                                                                                                                                   |
| JURISDICTION          | Vermont                                                                                                                                                                                        |
| DECIDED               | February 6, 2008                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | Plaintiff inmates appealed the superior court's dismissal of their complaints challenging the Department of Corrections' methodology for calculating good-time credit against their sentences. |
| STANDARD OF REVIEW    | Questions of statutory interpretation are reviewed de novo.                                                                                                                                    |
| PRECEDENTIAL VALUE    | Published Vermont Supreme Court opinion                                                                                                                                                        |
| PARTIES               | King, Hofmann                                                                                                                                                                                  |

TOPICS

- statutory interpretation
- plain meaning rule
- legislative intent
- administrative law
- sentencing

PRACTICE AREAS

- statutory interpretation
- administrative law
- criminal procedure
- corrections and sentencing

QUESTIONS PRESENTED

- Whether 28 V.S.A. § 811 requires the Department of Corrections to calculate good-time credit from an inmate's imposed minimum and maximum sentences rather than from time actually served.

2. Whether the 2005 amendment to § 811 required a retrospective award of all potential good-time credit based on the originally imposed sentence.
3. Whether 28 V.S.A. § 701(c) supports calculating good-time credit from the terms of confinement imposed at sentencing.
4. Whether the statutory good-time-credit scheme was constitutionally infirm on its face or as applied.

#### **HOLDINGS**

1. Section 811 unambiguously provides that good-time credit is earned after an inmate completes a thirty-day period of incarceration during which the inmate has faithfully observed the applicable rules and regulations; it does not require credit to be calculated from the inmate's originally imposed minimum and maximum sentences.
2. The 2005 amendment did not require the Department of Corrections to retrospectively award all potential good-time credit based on the originally imposed sentence and did not alter the methodology applicable to sentences for offenses committed before 2005.
3. Section 701(c), which defines references to sentencing or confinement in a Department facility as confinement in the custody of the commissioner, has no logical connection to the inmates' claim concerning good-time-credit calculations.

#### **KEY QUOTATIONS**

*“an inmate cannot ‘earn,’ and thus be given credit for, good behavior until he has completed a thirty-day period of incarceration in which he ‘has faithfully observed all the rules and regulations.’”* (183 Vt. at 583)

*“In reviewing this question of law de novo, we presume that the Legislature intended the plain, ordinary meaning of the statutory language.”* (183 Vt. at 583)

#### **FACTUAL BACKGROUND**

One plaintiff was serving a forty-years-to-life sentence imposed in 1994, and the other was serving a twenty-seven-to-thirty-year sentence imposed in 2003. Both challenged the Department of Corrections' calculation of good-time credit, arguing that credit should be based on their sentences as imposed rather than on their actual periods of confinement. Their claims concerned the interpretation of 28 V.S.A. § 811 and the effect of a 2005 statutory amendment.

#### **PROCEDURAL HISTORY**

The inmates filed complaints in superior court contending that the Department of Corrections was required to calculate good-time credit from their imposed minimum and maximum sentences rather than from time actually served. The superior court dismissed the complaints, concluding that the plain language of 28 V.S.A. § 811 supported the Department's methodology and that the statute was not unconstitutional on its face or as applied. The Vermont Supreme Court affirmed.

#### **DISPOSITION**

affirmed

#### CASES CITED

- Cadorette v. Gorczyk, No. 2002-115, slip op. at 1-2 (Vt. Aug. 22, 2002)
- Venman v. Patrissi, 156 Vt. 257, 258, 590 A.2d 897, 898 (1991)

---

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/vermont-supreme-court-of-vermont/2008/king-v-hofmann-x8jw4ro2>