

Ex parte Hannington

The petitioner inmate was convicted and sentenced to concurrent and consecutive prison terms. He filed a writ of habeas corpus, alleging that the department of criminal justice was improperly calculating the credit he should receive for time spent in jail prior to sentencing.

The court agreed that the time served was improperly calculated, stating that under the applicable statutes in effect at the time of the offense, the petitioner was entitled to receive credit against each sentence for time spent in jail prior to sentencing, even though this would have the effect of providing “double credit” where sentences were to be served consecutively. In this case, the time served was being allocated among the various sentences. The court assigned error to this practice and ordered the department to assign the full amount against each sentence in order to determine the effective “sentence begin date.”