

## SUMMARY STATEMENT

*State v. Owens*, Docket No. 41174

The Idaho Supreme Court vacated and remanded the Twin Falls County district court's denial of Dameniel Owens's motion for credit for time served. The district court's denial specified that Owens would only receive credit for his prejudgment time served in a county jail on one of his eight counts of issuing a check with insufficient funds. The Court held that Idaho Code section 18-309's plain language unambiguously states that a defendant receives credit for time served on each of his offenses, whether to be served concurrently or consecutively. The Court therefore overruled *State v. Hoch*, 102 Idaho 351, 630 P.2d 143 (1981), because the Court in *Hoch* incorrectly relied on an assumed legislative intent that conflicts with the statute's plain language. The Court then determined its new interpretation of Idaho Code section 18-309's plain language applies only prospectively to future cases and to cases now on direct appeal.

Two members dissented from the Court's opinion because they found no legal basis for limiting a trial judge's discretion to impose consecutive terms of imprisonment in order to establish a minimum period of incarceration.