

SUMMARY STATEMENT

State v. Jason Roy Barrett

Docket No. 43947

Jason Roy Barrett was arrested for a parole violation. At the time of his arrest, Barrett was in possession of marijuana and methamphetamine. An arrest warrant was issued relative to the new charges stemming from the possession. Later, while he was incarcerated due to the parole violation, Barrett and the Idaho Department of Correction were served with a “Hold Notice Request” indicating Barrett was wanted by the Ada County Sheriff’s office on the new charges. Subsequently, Barrett was served with the arrest warrant for the new charges to which he eventually pled guilty. Barrett was given credit for time served in prejudgment incarceration for the period between service of the arrest warrant and judgment. The district court denied Barrett’s request for credit for the time between service of the Hold Notice Request and the service of the arrest warrant.

In *State v. Brand*, 162 Idaho 189, 192-93, 395 P.3d 809, 812-13 (2017), the Idaho Supreme Court held that, regardless of alternative reasons for incarceration, a defendant is entitled to credit for time served after service of an arrest warrant. The ultimate issue to be decided here is whether the holding in *Brand*, as it applies to I.C. § 18-309, strictly relates to arrest warrants or whether it authorizes credit for time served where the relevant period of presentence incarceration is initiated by means other than an arrest warrant. This Court determined that the Hold Notice Request, despite its questionable legal significance, had the actual effect of incarcerating Barrett, even if otherwise incarcerated, and under the *Brand* analysis, credit for time served must be awarded.