

## **SUMMARY STATEMENT**

*State v. Brand*

No. 44221

The Idaho Supreme Court reversed the district court's denial of credit for time served to Sterling G. Brand and Joshua M. Nall under Idaho Code section 18-309. The district court held that Brand and Nall were not entitled to credit for time served under section 18-309 because they were already in custody on unrelated charges when they were served with arrest warrants concerning the charges for which they sought credit. The Idaho Supreme Court reversed on appeal. The Court held that the district court erred in its interpretation of section 18-309 because nothing in the statute limits credit to the charge that results in the defendant's initial placement in custody, as the district court incorrectly reasoned. Rather, section 18-309, by its plain terms, authorizes credit for "any period of incarceration." Accordingly, the Court reversed the district court's orders denying Brand and Nall credit for time served and remanded both cases for the district court to enter the correct credit for time served.