

SUMMARY STATEMENT

State v. Hogan, Docket No. 44711

In an appeal from the district court of Twin Falls County, the Court of Appeals affirmed the district court's order denying motion for credit for time served.

In 2010, James Dean Hogan violated his probation and the district court extended Hogan's period of probation for two years beginning on July 6, 2010. Hogan subsequently violated his probation a second time and the district court revoked Hogan's probation, executed the underlying sentence, and retained jurisdiction on December 13, 2011. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Hogan filed a motion for credit for time served, requesting credit for the time he was incarcerated for an unrelated case while he was on probation in the Twin Falls County case.

In computing a term of imprisonment, the defendant shall receive credit for any period of incarceration prior to entry of judgment, if such incarceration was for the offense or an included offense for which the judgment was entered. Idaho Code § 18-309(1). Because the incarceration for which Hogan seeks credit was not attributable to the charges or conduct in the instant offense, the district court did not err in refusing to give Hogan credit in the Twin Falls case for time served in the unrelated Cassia County case.