

SUMMARY STATEMENT

State v. Osborn, Docket No. 46389

Osborn violated a no contact order twice, pleaded guilty to two misdemeanor charges, and was given consecutive sentences of 365 days in jail on each count. The sentences were later suspended and he was placed on probation. After Osborn violated the terms of his probation, however, the magistrate court granted Osborn 106 days credit for time served against the first of his consecutive sentences. When Osborn filed a Rule 35 motion for credit for time served against both consecutive sentences, the magistrate court denied the motion. Osborn appealed to the district court, which reversed the magistrate court's denial and granted Osborn credit for time served against both sentences. The Supreme Court affirmed the district court's order, holding that the plain language of Idaho Code section 19-2603 required the district court to grant credit for time served against each suspended sentence. There was no statutory language that allowed the district court to carve out special consideration for the fact that the sentences were to be served consecutively.