

## **SUMMARY STATEMENT**

*State v. Burke*

Docket No. 46841

The Idaho Supreme Court reversed the district court's denial for credit for time served, concluding that commitment to a state mental hospital falls under the definition of "incarceration" in Idaho Code section 18-309. The defendant had been committed to a state mental hospital for 56 days to restore him to competency for sentencing. When he filed a motion for credit for time served, the district court denied it on the basis the court-ordered hospitalization was not "incarceration." On appeal, the Supreme Court disagreed. The Court concluded that the restrictions to Burke's liberty were equivalent to incarceration and that he was entitled to credit for time served.