

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

SHAVON JONES,

Appellant.

No. 76507-8-I

DIVISION ONE

UNPUBLISHED OPINION

FILED: AUG 13 2018

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PER CURIAM — Shavon Jones contends she was wrongfully denied credit for time served when sentenced in Snohomish County. While awaiting trial on the Snohomish County charge, Jones was also in custody on a Nevada conviction and for charges pending in King County. Therefore, she was not entitled to credit for time served. We affirm.

FACTS

In August 2014, Jones was charged in Snohomish County with one count of unlawful issuance of a bank check. When she failed to appear at the arraignment hearing, the court issued an arrest warrant.

By October 2015, the Snohomish County Prosecuting Attorney's Office learned Jones was in custody in Nevada, serving a 12 to 30- month sentence for possession of a stolen credit card. She was eligible for parole on that offense on March 3, 2016 with a projected discharge date of December 5, 2016. As a result of the pending Snohomish County charge, Jones did not receive a parole review. Through interstate agreement, Snohomish County took temporary custody of Jones and agreed to return her to Nevada Department of Corrections custody if

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trial on the Snohomish County charge completed before her newly projected release date of December 11, 2016. Thus, when Jones was arraigned in Snohomish County on May 3, 2016, she was still serving time for the Nevada conviction.

Jones pleaded guilty to the Snohomish County unlawful issuance of a bank check charge in September 2016. Before sentencing in that matter, she was transported to King County in November 2016 to answer for 2012 charges for two counts of forgery and one count of theft in the second degree. By the time she was sentenced to 25 months in the King County matter on January 27, 2017, she had been released on the Nevada conviction.¹

At her February 9, 2017 Snohomish County sentencing hearing, Jones requested a 25-month mid-range sentence with credit for time served from her May 3, 2016 Snohomish County jail booking date. In addition, she requested the sentence be concurrent with the sentence in the King County matter. The State requested 25.5 months' confinement to run consecutive to the King County sentence.

The trial court sentenced Jones to 29 months' confinement concurrent with the King County sentence and granted no credit for time served.

ANALYSIS

Jones argues she is entitled to credit for time served since her May 3, 2016 transfer from Nevada to Snohomish County. Washington's sentencing statute

¹ Additionally, in February 2015, Jones was sentenced to 16 months for taking a motor vehicle without permission in California. She also completed that sentence by February 2017.

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provides that the "sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced." RCW 9.94A.505(6) (emphasis added); see also In re Pers. Restraint of Schillereff, 159 Wn.2d 649, 651, 152 P.3d 345 (2007).

From May 2016 to November 2016, Jones was in custody for the Snohomish County charge as well as for the Nevada conviction. Her transfer to King County in November 2016 meant she was in custody for those charges in addition to the Snohomish County charge by the time of her projected December 11, 2016 release date on the Nevada sentence.² When she was sentenced for the Snohomish County charges in February 2017, she was still in custody for the recently imposed King County sentence. Thus, from May 2016 to February 2017, when sentenced in Snohomish County, Jones was never confined solely for the Snohomish County charge. The trial court did not err in concluding that Jones was not entitled to credit for time served between her May 3, 2016 transfer from Nevada to Snohomish County and her sentencing date in February 2017.

Affirmed.

FOR THE COURT:

Speckman, J.
Trickon, J.
Leach, J.

² Jones's actual Nevada release date is absent from the record. The prosecutor stated at the February 9, 2017 Snohomish County sentencing hearing that she "just saw notices of Nevada releasing [Jones], finding that she had fulfilled her sentence while awaiting plea here."