

August 22, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of
the Post-Sentence Review of

JASON PAUL KELLEY,

Respondent.

No. 50078-7-II

UNPUBLISHED OPINION

WORSWICK, P.J. — The Department of Corrections (DOC) petitions this court under RCW 9.94A.585(7) to review the sentence imposed by the trial court in *State v. Jason Paul Kelley*, No. 15-1-04333-3, Pierce County Sup. Court. In its judgment and sentence, the trial court imposed 18 months of confinement and gave Kelley credit for 60 days of presentencing jail time. But according to Kelley’s incarceration time credit report, he served 32 of his days in jail on DOC sanctions. Under RCW 9.94A.505(6), the trial court shall give offenders credit for presentencing jail time, but only “if that confinement was solely in regard to the offense for which the offender is being sentenced.” Thus, DOC asks that we remand Kelley’s judgment and sentence to the trial court to remove from his credit for presentencing jail time any days Kelley served in jail on DOC sanctions.

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DOC's interpretation of RCW 9.94A.505(6) is correct. We grant DOC's petition and remand Kelley's judgment and sentence to the trial court for it to give credit for presentencing jail time for only those days Kelley served in confinement solely in regard to the offense for which he was being sentenced and to remove any credit for presentencing jail time given for days Kelley served on DOC sanctions.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

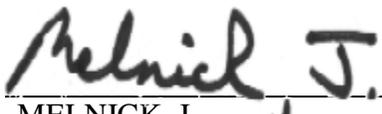


WORSWICK, P.J.

We concur:



LEE, J.



MELNICK, J.