

FUN WITH NUMBERS - PRISON TIME CALCULATION

or, "HOW I LEARNED TO CALCULATE MY DISCHARGE DATE"

I spoke to Tamia Salviati at Oakdale. Her # is 319-626-4474. She and Patsy Bozarth(319-626-4407) do the time computations for prisoners.

I learned many things that most of you already know. Like:

1. Earned Time Credit is the 1.2 days credit inmates receive for every day they serve in custody. They get this for prison days, jail days served prior to going to prison, mental health treatment days (court ordered), and half-way house time.
2. Consecutive sentences are treated as one big sentence. Unlike what your client might tell you, you don't discharge one and then start the other. Minimums are likewise combined into one big minimum when consecutive sentences are ordered. Thus, two 15 year habituals with 3 year minimums run consecutive is treated as one 30 year sentence with a 6 year minimum.
3. The only Mandatory Minimum sentences to which the Earned Time Credit doesn't apply, are the 70%-ers like Attempted Murder, Sexual Abuse 2nd, etc. All other "minimums" are subject to the Earned Time Credit such as the 1/3 minimum in drug cases, the 5 year minimum when a dangerous weapon is used, the forcible felony half when you have a prior forcible felony, and the 3 year minimum on Habituals.

For example, consecutive sentences with mandatory minimums (except 70%-ers) qualify for Earned Time Credit at the rate of 1.2 days per day served. Thus, two 15 year Habituals with 3 year minimums would be calculated like a 30 year sentence with a 6 year minimum: $6 \times .4545(1.2 \text{ day credit multiplier}) = 2.727 \text{ years}$. $.727 \times 365 \text{ (days in a year)} = 265 \text{ days}$. Thus, the 6 year minimum would be discharged in 2 years and 265 days. Now your client can start looking forward to parole.

His discharge date is calculated by taking the 1.2 day multiplier by his total sentence, or $30 \text{ years} \times .4545 = 13.635 \text{ years}$. $.635 \times 365 \text{ (days in a year, remember?)} = 232 \text{ days}$. Your client can discharge his 30 year sentence in 13 years 232 days, if he behaves himself.

Basically, every 166 days discharges a year. Got a 5 year sentence? $5 \times .4545 = 2.2725 \text{ years}$. $.2725 \times 365 = 99 \text{ days}$. Discharge is in 2 years and 99 days. Got a 6 year sentence? Add 166 days. For a 7 year sentence, add 332 days. An 8 year sentence would discharge in an additional 1 year and 133 days. A 9 year sentence adds 1 year and 299 days to the five year sentence.

1 year = 166 days (I know you can't get a one year prison sentence, but you can get a 6 year sentence, or a 16, etc. So there.)

2 years = 332 days

3 years = 1 year 133 days

4 years = 1 year 299 days

5 years = 2 years 99 days

10 years = 4 years 199 days.

15 years = 6 years 298 days.

20 years = 9 years 33 days

25 years = 11 years 132 days

30 years = 13 years 232 days

35 years = 15 years 331 days

40 years = 18 years 66 days

To calculate your client's jail or half-way house credit, just subtract the total number of days served in jail, or in the center, or both, from the total sentence AFTER you have done the earned time credit calculation above. Suppose you client has languished in jail for 60 days before you got him the sweet prison sentence (nice lawyering). You got him 10 years? Take 4 years 199 days (from table above) minus 60 days and you client discharges in 4 years and 139 days. Thus they get the credit because the time is taken off AFTER the credit is applied. In tax terms, it is a below the line deduction.

Thanks for your attention to this very boring topic.

Your friend, Tyler.