

principle because the time he spent on parole was, upon revocation of his parole, not treated as days in custody toward fulfilling his sentence of imprisonment. *See* Pet. at 6-17. The respondents contend that not counting days on parole as days in confinement for purposes of fulfilling a sentence of imprisonment is in accordance with the law, and does not offend the constitution's design for the separation of powers. *See* Opp'n at 5-9.

It has been settled for several years that under District of Columbia law, the time a prisoner spends on parole, so-called street time, does not count toward service of a sentence of confinement if the parole terminates as a result of being revoked. *See* D.C. Code § 24-406(a) (2001 & Supp. 2009) (providing that if parole is revoked, "the prisoner . . . shall serve the remainder of the sentence originally imposed less any commutation for good conduct which may be earned by him after his return to custody");² *United States Parole Commission v. Noble*, 711 A.2d 85 (D.C. 1998) (en banc) (*adopting opinion in United States Parole Comm'n v. Noble*, 693 A.2d 1084 (D.C. 1997)) and stating that the "time that the person spent on parole before revocation cannot be credited against his sentence . . ."). Goodman's parole was revoked at least five times. *See* Pet. at 4 (listing five instances of revocation); *cf.* Opp'n at 2-5 (identifying six distinct parole revocations). Consistent with the law, each time Goodman's parole was revoked, the time he had spent on parole was not counted as time toward fulfilling his term of imprisonment, and his full term expiration date was recalculated each time. *See* Opp'n at 2-5. Under District of Columbia law, the time spent on parole that terminates upon its revocation interrupts, but does not alter or enlarge, the service of the term of imprisonment. D.C. Code

² The statute was amended in May 2009, but the amendment applies "only to any period of parole that is being served on or after May [20], 2009." D.C. Code § 24-406(d).

