

STATEMENT OF THE CASE

Brian K. Chase appeals the trial court's imposition of his suspended sentence following the revocation of his probation. Chase raises a single issue for our review, namely, whether the trial court erred in calculating Chase's credit time.

We reverse and remand with instructions.

FACTS AND PROCEDURAL HISTORY

On March 30, 2005, the State charged Chase with Nonsupport of a Dependent Child, as a Class C felony. On September 26, 2005, Chase pleaded guilty to that charge, and the trial court sentenced Chase to four years suspended. The court also ordered Chase to serve two additional years on probation and to pay child support. The court credited Chase with 180 days of credit time.

On September 29, 2005, Chase began to serve his detention in a home-monitored program. However, on April 19, 2006, after spending 202 days in home detention, the State removed Chase from that program. The State alleged that Chase had failed to pay the proper fees, so the State sought to revoke Chase's probation. On August 15, 2006, the court sentenced Chase to time served between his removal from the home detention and August 15, for which Chase received a credit of 198 days. In calculating Chase's time served, the trial court did not incorporate the 202 days he served in home detention.

On January 31, 2008, the State filed another petition alleging that Chase had violated the terms of his probation, this time for not paying child support. After a hearing, the court found Chase in violation of the conditions of his probation. On April

24, 2008, the court sentenced Chase to serve 1,082 days of his previously suspended sentence.¹ That number incorporates the 180 and 198 days already credited to Chase against his four-year sentence, but, again, the court did not credit Chase with the 202 days he had served in home detention. This appeal ensued.

DISCUSSION AND DECISION

On appeal, Chase contends that he is entitled to credit time for the 202 days he served in home detention. The State concedes that the trial court improperly “did not credit [Chase] for time served on home detention.” Appellee’s Brief at 5. The parties both correctly acknowledge that time served in home detention merits credit against a defendant’s sentence as time actually served. See State v. Purcell, 721 N.E.2d 220, 224 (Ind. 1999) (remanding “with instructions that the trial court credit toward Defendant’s 1995 three-year sentence the 690 days Defendant actually served in home detention.”). Here, however, the trial court did not incorporate the 202 days Chase actually served in home detention when it ordered him to serve 1,082 days of his previously suspended sentence. Accordingly, we reverse and remand with instructions that the trial court credit the 202 days Chase actually served in home detention toward his sentence.

Reversed and remanded with instructions.

MAY, J., and ROBB, J., concur.

¹ The court also properly credited Chase with 126 days for pretrial incarceration for time served before it revoked his probation on the State’s second petition.