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**IN THE
COURT OF APPEALS OF INDIANA**

CAMERON PRUETT,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 89A01-0906-CR-307

APPEAL FROM THE WAYNE SUPERIOR COURT
The Honorable P. Thomas Snow, Judge
Cause No. 89D01-0008-CF-49

December 22, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Cameron Pruett (“Pruett”) appeals from the Wayne Superior Court’s denial of his motion for jail time credit. Pruett argues that the trial court improperly denied his motion for jail time credit under Cause Number 89D01-0008-CF-49 (“Cause CF-49”).

We affirm.

Facts and Procedural History

On January 24, 2002, in Cause CF-49, Pruett pleaded guilty to Class B felony burglary and was sentenced to ten years with six years executed and four years suspended. After serving the executed portion of the sentence, Pruett was arrested on June 26, 2006, charged with Class D felony possession of a controlled substance and placed in jail. The State filed a motion to revoke probation based on this arrest. The State also filed charges against Pruett under Cause Number 89D01-0608-FB-015 (“Cause FB-015”) and Cause Number 89D01-0601-FD-018 (“Cause FD-018”).

Pruett subsequently pleaded guilty to Cause FB-015, Cause FD-018, and admitted to the probation violation in Cause CF-49. On April 22, 2008, the trial court held a consolidated sentencing hearing. On May 7, 2008, the trial court sentenced Pruett to ten years on Cause FB-015, three years on the petition to revoke on Cause CF-49, and one year on Cause FD-018. The trial court ordered that the sentences run consecutive for an aggregate term of fourteen years. At the sentencing hearing, the State and defense counsel stipulated and agreed that Pruett should receive an aggregate of 1,346 days of credit (673 actual days plus 673 days of good time credit). Pruett immediately disagreed with this determination and argued for more jail time credit which the trial court denied.

On February 19, 2009, Pruett filed a motion for jail time credit to which the State objected. On March 5, 2009, the trial court denied Pruett's motion and affirmed its decision contained in the sentencing order. Pruett now appeals.

Discussion and Decision

Pruett argues that the trial court improperly failed to grant him pre-sentence jail time credit for time served while in pre-sentence detention on Cause CF-49. Indiana Code section 35-50-6-4(a) (2004) provides: "A person imprisoned for a crime or imprisoned awaiting trial or sentencing is initially assigned to Class I." Furthermore, Indiana Code section 35-50-6-3(a) (2004) provides: "A person assigned to Class I earns one (1) day of credit time for each day he is imprisoned for a crime or confined awaiting trial or sentencing." Because presentence jail time credit is a matter of statutory right, a trial court generally does not have discretion in awarding or denying such credit. Molden v. State, 750 N.E.2d 448, 449 (Ind. Ct. App. 2001). However, there is a limit to this statutory right. When a defendant receives consecutive sentences, the credit time may only be applied against the total or aggregate of the sentences. Jones v. State, 775 N.E.2d 322, 333 (Ind. Ct. App. 2002) (citing Stephens v. State, 735 N.E.2d 278, 284 (Ind. Ct. App. 2000), trans. denied).

Pruett spent 673 actual days in pre-sentence detention. The trial court sentenced him to consecutive terms on three different cases and properly awarded Pruett 673 actual days and 673 days of jail time credit, totaling 1,346 days, against his aggregate sentence on those three different cases. Although Pruett misunderstands the relationship between the application of twice the number of his actual days served and the aggregation of his

sentences in the three different cases, the trial court properly denied Pruett's motion for jail time credit.

Affirmed.

BARNES, J., and BROWN, J., concur.