

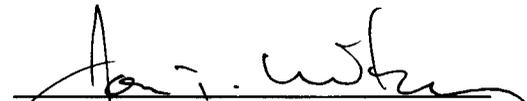


given credit for time served from June 5, 2013, to January 17, 2014, for a total of 227 days. Idaho Code § 18-309(1) is written in mandatory terms via use of the word "shall", Judge Haynes thus did not have the discretion to write: "IT IS FURTHER ORDERED that you have no credit for time served on this case. Sentence begins today." Judgment 2. Idaho Code § 309(1) begins: "In computing the term of imprisonment, the person against whom the judgment was entered **shall** receive credit in the judgment for any period of incarceration prior to entry of judgment, if such incarceration was for the offense or an included offense for which the judgment was entered." (bold added).

Accordingly, Mack is entitle to credit for time served from June 5, 2013, the day the warrant was served, and not June 6, 2013, the day Mack appeared before a magistrate judge, to and including the day of sentencing on January 17, 2014, for a total of 227 days. This Court concludes that a hearing is not necessary to decide Mack's Motion for Credit for Time Served.

IT IS HEREBY ORDERED defendant DILLAN JOHN MACK's Motion for Credit for Time Served is GRANTED, defendant DILLAN JOHN MACK is entitled to credit for time served in this case in the amount of 227 days as of January 17, 2014.

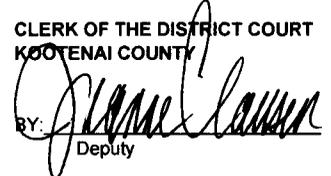
DATED this 25<sup>th</sup> day of January, 2023

  
JOHN T. MITCHELL, District Judge

**CERTIFICATE OF MAILING**

I hereby certify that on the 25<sup>th</sup> day of January, 2023 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

- Defense Attorney – Dennis Benjamin, db@nbmlaw.com ✓ *acelsberry@nbmlaw.com*
- Kootenai County Prosecuting Attorney – Stan Mortensen *kepaicou@kcgov.us*
- Bureau of Criminal Investigations (BCI) via FAX (208) 884-7193 *con@ida.idaho.gov*
- IDOC, CCD: *cedsentencing@idoc.idaho.gov*; *centralrecords@idoc.idaho.gov*
- Ashley Dowell, Executive Director, State of Idaho Commission of Pardon and Parole *adowell@idoc.idaho.gov* ✓
- Dillan John Mack
- IDOC No. 100414
- 381 W. Hospital Dr.
- Orofino, ID 83544 ✓

CLERK OF THE DISTRICT COURT  
KOOTENAI COUNTY  
BY:   
Deputy