

IN THE COURT OF APPEALS OF IOWA

No. 3-680 / 12-2111
Filed August 7, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

STEVEN MARK SCOTTON,
Defendant-Appellant.

Appeal from the Iowa District Court for Jefferson County, Joel D. Yates (sentencing) and Myron L. Gookin (hearing), Judges.

Scotton appeals the district court's denial of his request for additional jail credit, claiming the 114 days he served in county jail should be credited toward the sentences for each of his two counts, for a total of 228 days. **AFFIRMED.**

Steven Scotton, Newton, appellant pro se.

Jeffrey L. Powell of The Law Office of Jeffrey L. Powell, Washington, for appellant.

Thomas J. Miller, Attorney General, Linda J. Hines, Assistant Attorney General, Larry Brock, County Attorney, and Timothy W. Dille, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Danilson and Tabor, JJ.

VOGEL, P.J.

Steven Scotton pleaded guilty to operating a vehicle without the owner's consent, in violation of Iowa Code section 714.7 (2011), and criminal mischief in the third degree, in violation of Iowa Code sections 716.1 and 716.5. The district court sentenced him to a term not to exceed two years on both counts, the terms to run consecutively. Scotton filed a motion for time clarification. The district court ruled he was to be given credit for the 114 days he served in county jail, specifically finding Scotton was "not entitled to have this time doubled on his theory that he was to receive credit on two consecutive sentences for one block of time served." Scotton appeals, claiming he should be given credit for both counts, and a total of 228 days should be subtracted from his sentence. Specifically, he argues that, because he was held for 114 days on both counts at the same time, he should be given credit toward both counts.

Consecutive sentences are considered one continuous term of imprisonment pursuant to Iowa Code section 901.8. *State v. Patterson*, 586 N.W.2d 83, 84 (Iowa 1998). Iowa Code section 903A.5, which governs credit for time served, states "the inmate shall be given credit for the days already served upon the term of the sentence." The interpretation that necessarily arises from reading these two statutes in combination is to give credit for time served toward the sentence as a whole, regardless of the existence of consecutive sentences. Therefore, the district court correctly credited 114 days to Scotton's sentence, and we affirm pursuant to Iowa Rules of Court 21.26(1)(a) and (e).

AFFIRMED.