



# Office of the Ohio Public Defender

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*Timothy Young, State Public Defender*

## **PRO SE JAIL TIME CREDIT PACKET**

The legal information packet provided to you upon admission lists the number of days of jail time credit you have received for each sentence (second page under “Jail Time Credit”). If you are not sure whether you have received the correct amount of credit, we suggest that you read the “Jail Time Credit” section of your legal packet. You can also write to the jail where you were incarcerated to find out the dates you were in jail for a specific case. There is a sample letter for this purpose attached to this packet (“To whom it may concern”). You should include a self-addressed postage-prepaid envelope with each request you make to a jail.

The judge is required to give you credit for every day you spent in jail on the case for which you are incarcerated, including the date of sentencing.<sup>1</sup> If your judge did not provide a specific number of days of jail time credit in your sentencing entry, you may see only your “transportation time” (the days between sentencing and when you arrived at the reception center) listed on your legal packet. The Bureau of Sentence Computation (BOSC) is required to give you credit for your transportation time. However, BOSC cannot independently give you credit for the time you were in jail before sentencing; BOSC can only apply credit your judge has given you in a journal entry.

If you have not received credit for all your jail time, we suggest that you wait at least twenty days before you try to file a motion. In some counties the judges delegate to another department such as the sheriff or probation department the responsibility of calculating your jail time credit. Very often inmates whose legal packets do not contain the correct amount of credit will receive notice within the first few weeks of incarceration that they have received additional credit, as a result of which their out date has been changed.

If you still have not received your jail time credit within twenty days of admission, you may need to file a jail time credit motion. It is always better to go through your attorney in filing any type of motion with the court. If you need your attorney’s address, legal directories are available in the law library.

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<sup>1</sup> R.C. 2929.19(B)(2)(f)(i) requires the court to “[d]etermine, notify the offender of, and include in the sentencing entry the number of days that the offender has been confined for any reason arising out of the offense for which the offender is being sentenced and by which the department of rehabilitation and correction must reduce the stated prison term under section 2967.191 of the Revised Code.”

If you do not have an attorney, you can try filing the motion yourself (pro se) using the enclosed forms. If you are filing the motion yourself, you need to **attach your evidence of confinement** to your motion. Generally, this evidence of confinement would consist of records from the jail or CBCF at which you were confined. If you have made unsuccessful efforts to obtain jail or CBCF records, you may wish to attach an affidavit to your motion that details the time and place of your confinement. You do not need to attach an affidavit if you have already attached evidence of confinement from everywhere that you were confined. If you do include the affidavit, you should be aware that you are affirming under the penalty of perjury that each statement in the affidavit is

250 E. Broad Street, Suite 1400 • Columbus, Ohio 43215  
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[www.opd.ohio.gov](http://www.opd.ohio.gov)

true. Do not include false statements in your affidavit. After each enclosed motion form, there is an affidavit form that you may wish to use if you cannot obtain other evidence of confinement. Remember that an affidavit *must* be notarized to be effective.

At the end of this packet, there are three form letters that you may use as record requests for jails at which you were confined. You can use the enclosed form or write a letter to the jail or CBCF where you were confined requesting written confirmation of the dates you were held on that case.

Additionally, you will need to go to the law library to read the local rules for your county. Once you determine how many copies of your motion are required, you can have the copies made through your unit staff. For most counties in Ohio, you send the original plus at least one copy of your motion to the clerk of court, as well as one copy to the prosecuting attorney's office. However, some clerks of court may require as many as five copies of your motion.

When you have received additional jail time credit you will receive an "Update/Correction" printout from BOSCO, which will also provide you with your new out date. If you do not hear anything within a month after filing your motion, you might write to the clerk of courts to see if the judge has ruled on your motion. Your case manager may also be able to tell you if you have received additional credit.

If the court denies your pro se motion, send copies of your motion, the attached exhibits, and the judge's entry to the Office of the Ohio Public Defender as soon as you receive the denial. We will review the situation at that time and determine whether further action is necessary and whether we can assist you.

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, OHIO  
YOUR COUNTY

STATE OF OHIO, : Case No(s). \_\_\_\_\_  
Plaintiff, :  
 :  
v. :  
\_\_\_\_\_, :  
Defendant. :

**MOTION FOR JAIL-TIME CREDIT**

Now comes the Defendant in the above-captioned case and moves the court for jail-time credit. R.C. 2929.19; R.C. 2967.191. Defendant was delivered into state custody on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Later, Defendant learned that (s)he received only \_\_\_\_\_ days of jail-time credit.

Defendant states that (s)he did not receive all the jail-time credit to which (s)he was entitled. Defendant was held in custody on this case as follows:

JAIL WHERE TIME WAS SERVED	BEGINNING DATE	ENDING DATE	NUMBER OF DAYS

Defendant is entitled to a reduction of his/her sentence by the total number of days that (s)he was confined for any reason arising out of the offense for which (s)he was convicted and sentenced. R.C. 2967.191. The sentencing court retains jurisdiction to correct any error in its

determination of jail-time credit not previously raised at sentencing. R.C. 2929.19(B)(2)(g)(iii). To that end, “[t]he offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination [of days of credit], and the court may in its discretion grant or deny that motion.” *Id.*

When a defendant is held on multiple charges and then sentenced to concurrent prison terms for those charges, jail-time credit pursuant to R.C. 2967.191 must be applied toward each concurrent prison term. *State v. Fugate*, 117 Ohio St. 3d 261, 2008-Ohio-856. In addition, all time served in a CBCF constitutes confinement for purposes of R.C. 2967.191. *State v. Napier*, 93 Ohio St.3d 646, 2001-Ohio-1890.

Wherefore, Defendant prays for an amended journal entry directing the Department of Rehabilitation and Correction to grant Defendant an additional \_\_\_\_\_ days of jail-time credit, for a total of \_\_\_\_\_ days of credit, through and including the date of sentencing, but not including prior prison credit.

Respectfully submitted,

\_\_\_\_\_  
YOUR SIGNATURE  
DEFENDANT, *pro se*

\_\_\_\_\_  
INSTITUTION NUMBER

\_\_\_\_\_  
INSTITUTION

\_\_\_\_\_  
ADDRESS/P.O. BOX NUMBER

\_\_\_\_\_  
CITY, STATE & ZIP CODE

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Jail Time Credit was sent by regular U.S. Mail to the office of the \_\_\_\_\_ County Prosecutor,  
YOUR COUNTY

\_\_\_\_\_  
ADDRESS FOR YOUR COUNTY'S PROSECUTING ATTORNEY  
\_\_\_\_\_

on this day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
YOUR SIGNATURE  
DEFENDANT, *pro se*



4. I made efforts to obtain records of confinement from the institutions listed in paragraph 2 by mailing record requests as follows:

JAIL WHERE TIME WAS SERVED

DATE REQUEST SENT


5. I have not yet received a response to my record requests.

Further affiant sayeth naught.

\_\_\_\_\_  
YOUR SIGNATURE  
DEFENDANT, *pro se*

\_\_\_\_\_  
INSTITUTION NUMBER

\_\_\_\_\_  
INSTITUTION

\_\_\_\_\_  
ADDRESS/P.O. BOX NUMBER

\_\_\_\_\_  
CITY, STATE & ZIP CODE

Sworn to and subscribed in my presence on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, OHIO  
YOUR COUNTY

STATE OF OHIO, : Case No(s). \_\_\_\_\_  
Plaintiff, :  
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v. :  
\_\_\_\_\_, :  
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Defendant states that (s)he did not receive all the jail-time credit to which (s)he was entitled. Defendant was held in custody on this case as follows:

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Defendant is entitled to a reduction of his/her sentence by the total number of days that (s)he was confined for any reason arising out of the offense for which (s)he was convicted and sentenced. R.C. 2967.191. The sentencing court retains jurisdiction to correct any error in its

determination of jail-time credit not previously raised at sentencing. R.C. 2929.19(B)(2)(g)(iii). To that end, “[t]he offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination [of days of credit], and the court may in its discretion grant or deny that motion.” *Id.*

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DEFENDANT, *pro se*

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DEFENDANT, *pro se*

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ADDRESS FOR YOUR COUNTY'S PROSECUTING ATTORNEY  
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INSTITUTION NUMBER

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DEFENDANT, *pro se*

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INSTITUTION NUMBER

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Sworn to and subscribed in my presence on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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NOTARY PUBLIC

---

DATE

---

NAME

---

INSTITUTION NUMBER

---

INSTITUTION

---

ADDRESS/P.O. BOX NUMBER

---

CITY, STATE & ZIP CODE

To whom it may concern:

I am attempting to obtain jail time credit for the time I was held in your facility on Case No(s). \_\_\_\_\_, during the year(s) of \_\_\_\_\_.

In order to help identify my records, my birthdate is \_\_\_\_\_. Would you be so kind as to let me know, in writing, the dates I was in your facility, and the case numbers for each period I was held?

Thank you for your assistance in this matter.

Sincerely,

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SIGNATURE

---

DATE

---

NAME

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INSTITUTION NUMBER

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ADDRESS/P.O. BOX NUMBER

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CITY, STATE & ZIP CODE

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SIGNATURE

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