

Minnesota DWI: This Week's Featured Minnesota DWI Case

The [Minneapolis Criminal Defense Attorney](#) case DWI Of The Week is State v. Handeland (Decided June 24, 2019, Minnesota Court of Appeals, Unpublished) which stands for the proposition that ANY time spent in a Minnesota jail or for a mental evaluation must be credited when imposing jail time for an unrelated offense.



In 2012, the Defendant was convicted of First Degree DWI in Mille Lacs County and was given a sentence of 42 months stayed, with the Defendant to serve to 180 days jail, 60 of which were done in the jail facility with the remainder on electronic home monitoring.

Mr. Handeland was arrested in April 2016 in Benton County for Felony DWI. The District Court in Benton County found the Defendant incompetent to stand trial and he was ordered into the state's competency restoration program at the Anoka County Treatment Center. Mr. Handeland was found competent in November 2016 and his Benton County case resumed, resulting in a guilty plea in April 2018.

In between the Defendant's return to competency and his April 2018 plea, he managed to get arrested on two separate fifth-degree controlled-substance offenses and spent additional days in local jails related to those offenses.

At the Defendant's 2018 sentencing in Benton County, the district court sentenced Handeland to 60 months in prison, stayed execution of the sentence and placed him on probation for seven years. The court awarded the Defendant 194 days of jail credit.

Mille Lacs County then brought the Defendant back to face a probation revocation hearing. The district revoked Handeland's probation and sentenced him to 42 months in prison and only awarded the Defendant eight days of custody credit. How stupid!

On appeal, the Minnesota Court of Appeals reversed the lack of custody credit and does a nice job explaining when a Defendant is entitled to credit for jail time and treatment. As stated by the Court:

"Between his 2012 Mille Lacs County arrest for DWI and the 2018 execution of his 42-month sentence for that DWI, Handeland spent approximately 389 days in custody. Those days largely fall into three buckets: the days spent in the Mille Lacs County jail related to the 2012 DWI; the days spent in local jails related to other convictions (primarily an additional DWI arrest and conviction in Benton County) and days spent in examination and treatment as part of his competency restoration. To properly calculate Handeland's custody credit, we first address the Mille Lacs County jail time, clearly related to the underlying DWI conviction. Next, because both the second and third buckets of days involve unconnected cases, we then turn to the issue of how to evaluate credit for intrajurisdictional custody. Finally, we address the custody-credit standards for secure treatment for competency-restoration purposes."

60 Days In Mille Lacs County Jail:

"The Minnesota Rules of Criminal Procedure clearly state that a criminal defendant is entitled to jail credit for time spent in custody "in connection with the offense or behavioral incident being sentenced." Minn. R. Crim. P. 27.03, subd. 4(B) (emphasis added). As the state concedes on appeal, although these days were not discussed at Handeland's probation-violation hearing, they clearly were time spent in custody in connection with the original sentence and should count as custody credit."

Credit for Custody in Unconnected Cases:

In *State v. Brown*, the Minnesota Supreme Court held that jail time spent out-of-state will not be credited unless it is connected to the offense for which the Defendant is being sentenced. But this does not apply to in-state, but unrelated cases. The reason is, "In evaluating credit for intrajurisdictional custody, we seek to avoid four potential concerns: "de facto conversion of a concurrent sentence into a consecutive sentence; indigent persons serving effectively longer sentences as a result of their inability to post bail; irrelevant factors . . . affecting the length of incarceration; and manipulation of charging dates by the prosecutor so as to increase the length of incarceration"(citations omitted).

"Having reviewed the governing approach to intrajurisdictional credit, we turn to the time Handeland spent in other local jails. This constitutes 194 days—primarily related to the Benton County DWI—between his original Mille Lacs County sentencing and his probation revocation five years later....To deny credit without evaluating these days in light of the intrajurisdictional approach described above was error."

Mental Health Treatment Credit:

The Court of Appeals notes that Rule 20.01, subd. 11, states: "If the defendant is convicted, any time spent confined to a hospital or other facility for a mental examination under this rule must be credited as time served."

"As the state suggests, the rule only dictates jail credit for the examination period. Minn. R. Crim. P. 20.01, subd. 11. But our inquiry does not end with this rule. As this court explained in Bonafide, the language of the rule may simply not address—rather than affirmatively exclude—credit for competency-restoration treatment during a commitment."

"And to examine this issue of credit for treatment, the Bonafide court first looked at the supreme court's expansion of custodial credit, in light of "the philosophy behind the rule." Id. at 214. This court also, citing other state court decisions, explained that "the degree of deprivation of liberty in a mental commitment facility is equivalent to a jail or prison facility." Id. And this court took note of the ABA Criminal Justice Mental Health Standard, which provides that a defendant detained for examination of competence "or treatment... to effect competence to stand trial should receive credit against any sentence ultimately imposed for the time of such pretrial confinement." Id. at 215. As a result, the Bonafide court interpreted rules 20.01 and 27.03, subd. 4, as requiring credit against sentence for custodial time spent in a secure hospital under a rule 20 presentence commitment procedure. We see no reason to retreat from Bonafide, to the more restrictive reading of rule 20 the state suggests."

Moral Of The Story: In Minnesota, we give credit where credit is due!

If you or a loved one have been arrested for a Minnesota DWI, or are facing a DWI forfeiture of your motor vehicle, feel free to contact [Minneapolis Criminal Defense](#) Minnesota DWI Attorney, Ryan Garry LLC, Criminal Defense Attorneys at (612) 436-3051 for answers to all of your Minnesota DWI questions.

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