

1974 S.C. Op. Atty. Gen. 112 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3745, 1974 WL 21262

Office of the Attorney General

State of South Carolina

Opinion No. 3745

March 27, 1974

***1 1. The only credits toward reduction of sentence for county prisoners is the statutory good time credit provided in Section 55–8, as amended.**

2. When sentences imposed by a court are ambiguous, they will be construed to run concurrently.

Supervisor
Dillon, S. C.

This is in response to your recent letter requesting certain information. You ask by what means you may allow a prisoner to earn extra time other than the one-third good time. In this connection you ask how much time you may allow prisoners who work in the kitchen on week ends; and, how you can allow extra time when a prisoner works on equipment on week ends. These questions have been answered in a recent opinion by this Office. I'm enclosing a copy of that opinion. See 1971–72 Ops. Atty. Gen. No. 3407, page 278. As you can see from that opinion the only credits toward reduction of sentence which may be earned by county prisoners is the statutory good time credit provided in Section 55–8, as amended.

Since that opinion was issued the General Assembly has amended Section 55–8 to provide that good behavior credit shall be computed on the aggregate of several sentences when two or more consecutive sentences are imposed.

In your last question you pose the situation where a prisoner has received three thirty (30) day sentences. From the information which you provide, it appears that the sentencing Court did not specifically state that those sentences were to be served consecutively. In this state the law is, that, where the sentences imposed by the Court are ambiguous and/or vague and indefinite they will be construed to run concurrently. *State v. DeAngelis*, 257 S. C. 44. Unless the intention is expressed that one sentence should begin at the expiration of the other, when several sentences are imposed for separate and distinct offenses, the law is that they shall run concurrently. *State v. McKellar*, 85 S. C. 236.

It is, therefore, my opinion, based on the information which you have presented, that in the situation which you pose the individual would be entitled to be released after service of thirty (30) days. If, in fact, the Court had sentenced him to serve these thirty (30) day sentences consecutively, he would be entitled to credit for good behavior. On a ninety (90) day sentence, with full credit for good behavior, an inmate would be entitled to be released after the service of sixty (60) days. I hope this answers the questions which you have, and, if there is anything further that we can do for you, please let me know.

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