

1973 WL 26715 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1973

*1 Honorable Robert C. Lake, Jr.
Post Office Box 245
Whitmire, South Carolina 29178

Dear Senator Lake:

This office has received your request concerning the computation of time for purposes of release in the case of one Steve Radford and the same has been referred to me for reply.

From his commitment dated September 19, 1972, it appears that Mr. Radford was convicted of the offense of breaking and entering a motor vehicle with the intent to steal and grand larceny, and sentenced by the Honorable Dan F. Laney to imprisonment for a period of five years, to be suspended upon the service of three years and probation for a period of three years.

Section 55-8, Code of Laws of South Carolina (1962), authorizes credit for good behavior to be given to prisoners serving sentence within the state penitentiary, the county jail, or upon the public works of any county to be computed at a rate of fifteen days for each month served. Section 55-9 further provides:

‘And when a sentence has been imposed and a portion thereof suspended, time off for good behavior shall be deducted from and computed on the time the person is actually required to serve and the suspended sentence shall begin on the date of his release from servitude as herein provided.’ (Emphasis supplied)

Thus, in answer to your question, Mr. Radford may be release and placed on probation after service of three years, less any credit for good behavior. It should be noted, that the computation for purposes of ‘good time’ is different from that relating to parole consideration, thus Mr. Radford could not be considered for parole until he had served one-third of the entire five year sentence. See [Picklesimer v. State, 254 S.C., 596, 176 S.E. 2d, 536 \(1970\)](#).

I trust the foregoing will provide the information desired. If I can be of further assistance, do not hesitate to call upon me.

With warm regards,

Yours very truly,

John P. Wilson
Senior Assistant Attorney General

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