

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RICARDO ELLIOTT**

**v.  
JEFF NORMAN**

**RESPONDENT,**

**APPELLANT.**

---

DOCKET NUMBER WD78115

DATE: May 26, 2015

---

Appeal From:

Cole County Circuit Court  
The Honorable Daniel R. Green, Judge

---

Appellate Judges:

Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

---

Attorneys:

Ronald S. Ribaldo, Ballwin, MO, for respondent.

Caroline M. Coulter, Jefferson City, MO, for appellant.

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**RICARDO ELLIOTT,**

**RESPONDENT,**

**v.**

**JEFF NORMAN,**

**APPELLANT.**

No. WD78115

Cole County

Before Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Boonville Correctional Center Warden Jeff Norman appeals a judgment awarding Ricardo Elliott jail-time credit. Warden argues that the trial court erred by determining that Elliott's custody in Missouri jails after he was sentenced on a federal charge was related to Missouri charges. Warden also argues that the trial court erred by awarding Elliott jail-time credit for time spent in Missouri jails after he was sentenced on his Missouri charges.

**Affirmed in part and reversed in part.**

**Division Two holds:**

The trial court did not err in awarding Elliott 165 days of jail-time credit prior to Elliott being sentenced on a federal charge, though its rationale for ordering the credit was legally erroneous. Elliott is entitled to 165 days of jail-time credit because his custody in Missouri jail was related to the Missouri charges, as the Missouri charges prevented Elliott's release from custody.

The trial court erred as a matter of law in awarding Elliott jail-time credit after Elliott was sentenced on a federal charge because Elliott's subsequent custody in Missouri jails was not related to the Missouri charges. After Elliott was sentenced on the federal charge, he was ineligible to be released from custody regardless of the Missouri charges.

The trial court erred as a matter of law in awarding Elliott jail-time credit after his Missouri sentences were imposed. Elliott's Missouri sentences commenced the day he was sentenced. Elliott cannot receive jail-time when he was already receiving credit for regular time served.

Opinion by Cynthia L. Martin, Judge

May 26, 2015

\*\*\*\*\*

**This summary is UNOFFICIAL and should not be quoted or cited.**