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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0093**

State of Minnesota,
Respondent,

vs.

Anthony Jerome Woodraska,
Appellant.

**Filed June 10, 2019
Affirmed
Halbrooks, Judge**

Freeborn County District Court
File No. 24-CR-17-1023

Keith Ellison, Attorney General, St. Paul, Minnesota; and

David J. Walker, Freeborn County Attorney, Albert Lea, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Veronica May Surges, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Connolly, Presiding Judge; Halbrooks, Judge; and
Slieter, Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Appellant challenges the district court's denial of his motion to amend his
Minnesota sentence to receive credit for time served in Iowa on an Iowa conviction. We
affirm.

FACTS

On June 13, 2017, respondent State of Minnesota charged appellant Anthony Jerome Woodraska with one count of offering a forged check in violation of Minn. Stat. § 609.631, subd. 3 (2016). When Woodraska failed to appear in court, a warrant was issued for his arrest. On November 8, Woodraska was arrested in Cerro Gordo County, Iowa, for multiple counts of check forgery based on events that occurred in Iowa in August 2017. He subsequently pleaded guilty in Iowa to four counts of check forgery. The Iowa court sentenced Woodraska to four prison terms not to exceed five years, ordered that the sentences run concurrently, and noted that the Minnesota district court could determine whether any sentence imposed in Minnesota would run concurrently with the sentences for the Iowa convictions.

On May 24, 2018, Woodraska was extradited to Minnesota. He pleaded guilty pursuant to a plea agreement to offering a forged check. The agreement called for Woodraska's Minnesota sentence to run concurrently with his Iowa sentences and provided that he would receive "jail credit as authorized by law." The district court sentenced Woodraska to prison for 24 months and determined that he was entitled to 110 days of jail credit. Woodraska moved to amend his sentence, arguing that he was entitled to an additional 198 days of jail credit for his time in custody in Iowa. The district court denied the motion. This appeal follows.

DECISION

The award of jail credit is "governed by principles of fairness and equity and must be determined on a case-by-case basis. A defendant has the burden of establishing that he

is entitled to jail credit for a specific period of time.” *State v. Arend*, 648 N.W.2d 746, 748 (Minn. App. 2002) (quotation omitted). Whether to award jail credit is a mixed question of fact and law. *State v. Clarkin*, 817 N.W.2d 678, 687 (Minn. 2012) (quotation omitted). We review the district court’s factual findings concerning custody credit under a clearly erroneous standard and then apply the law to those factual findings under a de novo standard. *Id.*

“The granting of jail credit is not discretionary with the [district] court.” *State v. Parr*, 414 N.W.2d 776, 778 (Minn. App. 1987), *review denied* (Minn. Jan. 15, 1988). When a criminal sentence is imposed, the district court shall “[s]tate the number of days spent in custody in connection with the offense or behavioral incident being sentenced. That credit must be deducted from the sentence and term of imprisonment and must include time spent in custody from a prior stay of imposition or execution of sentence.” Minn. R. Crim. P. 27.03, subd. 4(B). Jail credit is allowed for time spent in another state only when the Minnesota offense was the “sole reason” for incarceration in the foreign jurisdiction. *Parr*, 414 N.W.2d at 779; *see also State v. Willis*, 376 N.W.2d 427, 428 (Minn. 1985). “If part of the time appellant spent in the out-of-state jail was in connection with the out-of-state charge, he [is not] entitled to jail credit for that time.” *Parr*, 414 N.W.2d at 779.

The district court denied Woodraska’s request for jail credit for time spent in custody in Iowa because the time he spent in custody in Iowa was not based on the charge in Minnesota. The record supports this determination. At the time that Woodraska was arrested in Iowa, there was a warrant for his arrest related to the charge in Minnesota. But this was not the basis for the Iowa arrest. Woodraska was arrested and charged in Iowa

based on offenses he committed in Iowa. Because the Minnesota offense was not the “sole reason” for Woodraska’s incarceration in Iowa, he is not entitled to jail credit for that time.

Id.

Woodraska acknowledges that our caselaw governing jail credit for interstate matters does not permit an award of jail credit for time spent in custody in another state unless the Minnesota offense was the “sole reason” for the incarceration in the other state. But he asks this court to “apply its jurisprudence on intrastate jail credit to interstate jail credit matters” based on *State v. Folley*, 438 N.W.2d 372 (Minn. 1989). We cannot do so. *Folley* addresses when a defendant is entitled to jail credit for time spent in custody for separate charges “where the State of Minnesota is a party to both charges.” *Id.* at 374. Here, Minnesota was not a party to the charges in Iowa.

Under *Parr*, Woodraska is not entitled to jail credit for the time he spent in custody in Iowa because the Minnesota charge was not the “sole reason” for his incarceration. The district court did not err in denying his motion for an amended sentence.

Affirmed.