

STATEMENT OF THE CASE

Josh Coffey appeals the trial court's denial of his motion to correct erroneous sentence. He raises a single issue for our review on appeal, namely, whether the trial court abused its discretion when it calculated presentence credit time.

We affirm.

FACTS AND PROCEDURAL HISTORY

On June 7, 2007, the State charged Coffey with two counts of burglary, as Class C felonies, and two counts of theft, as Class D felonies, in Cause Number 55D01-0706-FC-142 ("FC-142"). At that time, Coffey was on probation, and the State filed a notice of probation violation in Cause Number 55D03-0207-FB-206 ("FB-206"). In FC-142, Coffey pleaded guilty to one count of burglary, as a Class C felony, and the State dismissed the other charges. In that case, the trial court sentenced Coffey to six years with thirteen days credit time. The trial court ordered that sentence to run consecutive to the three-year sentence imposed for the probation violation in FB-206. Coffey received 167 days credit for time served on the sentence imposed in FB-206.

On April 14, 2010, Coffey filed a motion to correct erroneous sentence in FC-142. In that motion, Coffey asserted that he was entitled to 167 days credit for time served awaiting sentencing in FC-142 in addition to the credit for time served granted in FB-206. The trial court denied that motion. This appeal ensued.

DISCUSSION AND DECISION

We initially observe that Coffey is pro se on appeal. Pro se litigants are held to the same standard as trained legal counsel and are required to follow procedural rules. Evans

v. State, 809 N.E.2d 338, 344 (Ind. Ct. App. 2005), trans. denied. Indiana Appellate Rule 46(A)(8)(a) provides that an appellant’s argument must contain the contentions of the appellant on each issue presented, supported by cogent reasoning and citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on. Here, Coffey’s contentions on appeal are difficult to discern and are not supported by citations to the appendix or transcript.

While we could find Coffey’s argument on appeal waived for failure to comply with Appellate Rule 46(A)(8)(a), we will address the merits of Coffey’s appeal to the extent that we can understand his contentions. It appears that Coffey believes that he should be granted 167 days’ credit for time served in both FB-206 and FC-142, but the trial court only gave credit for 167 days in FB-206. In support of that contention, Coffey cites Owen v. State, 272 Ind. 122, 396 N.E.2d 376 (1979). But Coffey’s reliance on Owen is misplaced.

Indiana Code Section 35-50-6-3(a) provides that “a person assigned to Class I earns one (1) day of credit time for each day the person is imprisoned for a crime or confined awaiting trial or sentencing.” “Confined awaiting trial or sentencing has been construed to mean confined as a result of the charge for which the defendant is being sentenced.” Diedrich v. State, 744 N.E.2d 1004, 1005 (Ind. Ct. App. 2001); see also Bischoff v. State, 704 N.E.2d 129, 130 (Ind. Ct. App. 1998) (stating that determination of a defendant’s pretrial credit is dependent upon “the pretrial confinement being a result of the criminal charge for which sentence is being imposed”).

Generally, “[a] defendant who is awaiting trials on different crimes during the same period of time and who is convicted and sentenced separately on each should have full credit applied on each sentence.” Brown v. State, 907 N.E.2d 591, 595 (Ind. Ct. App. 2009) (quoting Dolan v. State, 420 N.E.2d 1364, 1372 (Ind. Ct. App. 1981)). The credit for time served prior to sentencing “will be the number of days the defendant spent in confinement from the date of arrest for the offense to the date of sentencing for that same offense.” Dolan, 420 N.E.2d at 1373.

Where, however, “consecutive sentences are required, credit time cannot be earned against each of the underlying sentences.” Brown, 907 N.E.2d at 595. Rather, a defendant who receives consecutive terms “is only allowed credit time against the total or aggregate of the terms.” Stephens v. State, 735 N.E.2d 278, 284 (Ind. Ct. App. 2000), trans. denied; see also Payne v. State, 838 N.E.2d 503, 510 (Ind. Ct. App. 2005) (“[W]e should avoid construing the credit time statutes as permitting a defendant to claim “double or extra credit” for pre-sentencing confinement).

Here, because Coffey’s sentence in FC-142 was ordered to be served consecutive to his sentence in FB-206, the trial court did not err when it granted credit for time served against the aggregate of the terms. The trial court did not abuse its discretion when it denied Coffey’s motion to correct erroneous sentence.

Affirmed.

ROBB, C.J., and CRONE, J., concur.