

Sentence, When Expires. Cumulative and Concurrent Sentence. Convict, Time Of How Reckoned. Parole, Time How Computed.

Where a prisoner is out on parole his time is counted in the same manner as though he were confined within the prison walls, for, in contemplation of law, he is still in legal custody.

June 5, 1912.

Hon. Frank Conley,
Warden, State Prison,
Deer Lodge, Montana

Dear Sir:

I am in receipt of your letter of the 22nd ult., relative to the time when the sentence of G. W. Ricketts will expire.

It appears from the record that Mr. Ricketts was received at the prison on March 15, 1906, to serve a ten-year sentence; that he was paroled on September 10th, 1911, and for the violation of his parole was returned to the prison on December 22, 1911.

Under the provisions of Sec. 9737, Revised Codes, a ten-year sentence with good time allowance would expire in six years and three months. Hence, with full good time allowance to Mr. Ricketts his time would expire on June 15, 1912. The time that he was out on parole is

counted the same as though he were actually confined within the prison for a paroled prisoner is still in legal custody.

Sec. 9574, Revised Codes.

However, it is within the authority of the state board of prison commissioners to deprive the prisoner of a part or all of his good time earned up to the time when he violated the rules and regulations by breaking his parole.

Section 3798, Revised Codes.

Regulation 122.

This order has not as yet been made by the board and can only be made after notice and hearing, hence, unless you receive an order from the board depriving this prisoner of a part or all of his good time, his sentence will expire in six years and three months from the date he was received at the prison.

Very truly yours,

ALBERT J. GALEN,