

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LEONARD BROWNING,

Defendant-Appellant.

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UNPUBLISHED

January 16, 2001

No. 224523

Macomb Circuit Court

LC No. 97-000295-FC

Before: Markey, P.J., and Whitbeck and J. L. Martlew\*, JJ.

PER CURIAM.

Defendant Leonard Browning appeals by delayed leave granted from a plea-based conviction of delivery of 225 to 649 grams of cocaine,<sup>1</sup> for which he was sentenced to 12½ to 30 years in prison. We affirm and decide this appeal without oral argument pursuant to MCR 7.214(E).

I. Basic Facts And Procedural History

The sentence credit statute provides that, a person who is jailed while awaiting trial because he is unable to post bond “for the offense of which he is convicted . . . [is entitled to] credit against the sentence for such time served in jail prior to sentencing.”<sup>2</sup> Under this statute, Browning was given credit for 945 days spent in jail while awaiting trial. He filed a postjudgment motion for additional sentence credit, asserting that he was entitled to an extra day of credit for every six days served pursuant to MCL 51.282(2); MSA 5.883(2). The trial court held that the statute did not apply to prison sentences and denied the motion.

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<sup>1</sup> MCL 333.7401(2)(a)(ii); MSA 14.15(7401)(2)(a)(ii).

<sup>2</sup> MCL 769.11b; MSA 28.1083(2).

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\* Circuit judge, sitting on the Court of Appeals by assignment.

## II. Application Of The Sentence Credit Statute

### A. Standard Of Review

Browning contends that the trial court erred by failing to award him “good time” credits under MCL 51.282(2); MSA 5.883(2). Statutory interpretation is a question of law, which we review de novo.<sup>3</sup>

### B. Statutory Construction

The rules of statutory construction require the courts to give effect to the Legislature’s intent.<sup>4</sup> “This Court should first look to the specific statutory language to determine the intent of the Legislature,” which “is presumed to intend the meaning that the statute plainly expresses.”<sup>5</sup> If the language is clear and unambiguous, “the plain meaning of the statute reflects the legislative intent and judicial construction is not permitted.”<sup>6</sup>

### C. The Mechanics Of The Sentence Credit Statute

MCL 51.281; MSA 5.883(1) authorizes a county sheriff to establish rules and regulations for the conduct of prisoners in his custody. MCL 51.282(2); MSA 5.883(2)(2) provides that every prisoner who has not violated the rules and regulations is entitled to a sentence reduction of one day for every six days of the sentence. “Good time” refers to a graduated reduction from sentences being served by inmates as a reward for good behavior.<sup>7</sup> Because a prisoner serving a sentence must be given a reduction of sentence for every six days served if he has not violated the rules and regulations, a court cannot circumvent the statute by setting a specific jail term with a specific release date.<sup>8</sup> If a prisoner earns good time credit while serving time in jail as part of a sentence of probation, he is entitled to credit for the good time when sentenced for a violation of probation.<sup>9</sup> Given the language of the statute and the cases interpreting it, it is clear that the statute requires the sheriff to award good time *against a sentence being served by a prisoner in the county jail*. Because Browning was not serving a sentence while being held in jail pending trial, he was not entitled to good time credit under the statute. Because the statute does not authorize the court to award good time credit and there is no indication that Browning was actually granted any such credit by the sheriff, he was not entitled to additional credit for time

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<sup>3</sup> *Markillie v Livingston Co Bd of Rd Comm’rs*, 210 Mich App 16, 21; 532 NW2d 878 (1995).

<sup>4</sup> *Institute in Basic Life Principles, Inc v Watersmeet Twp (After Remand)*, 217 Mich App 7, 12; 551 NW2d 199 (1996).

<sup>5</sup> *Id.*

<sup>6</sup> *Tryc v Michigan Veterans’ Facility*, 451 Mich 129, 135; 545 NW2d 642 (1996).

<sup>7</sup> Cf. OAG, 1955, No 2,141, p 396 (August 1, 1955).

<sup>8</sup> *People v Cannon*, 206 Mich App 653, 656-657; 522 NW2d 716 (1994).

<sup>9</sup> *People v Resler*, 210 Mich App 24, 28; 532 NW2d 907 (1995).

served. Therefore, we conclude that the trial court properly denied Browning's motion for additional credit.

Affirmed.

/s/ Jane E. Markey  
/s/ William C. Whitbeck  
/s/ Jeffrey L. Martlew