

IN THE SUPREME COURT, STATE OF WYOMING

2023 WY 6

October Term, A.D. 2022

January 25, 2023

VALERIE FRANCIS MEANS,

**Appellant
(Defendant),**

v.

THE STATE OF WYOMING,

**Appellee
(Plaintiff).**

S-22-0246

ORDER GRANTING UNOPPOSED MOTION TO REVERSE AND REMAND

[¶1] **This matter** came before the Court upon Appellee’s Unopposed Motion to Reverse and Remand, e-filed herein January 6, 2023. After a careful review of the motion and the file, this Court finds as follows. Appellant took this appeal to challenge the district court’s Order After Evidentiary Hearing, wherein the district court revoked Appellant’s probation, imposed the underlying sentence of three to five years, and awarded credit for 240 days served. The district court declined to award credit for time Appellant served as a resident of an Adult Community Corrections (ACC), namely the Volunteers of America ACC in Gillette.

[¶2] In her only appellate issue, Appellant contends she should receive additional credit for the time she served as a resident of the ACC. The State of Wyoming agrees with Appellant and filed Appellee’s Unopposed Motion to Reverse and Remand.

[¶3] This Court agrees that Appellant should receive additional credit for time served as a resident of the ACC. “[I]t is well-established that a person residing in a community correctional program is in official detention, and that time spent in a community corrections facility must be counted against a sentence that is imposed upon violation of the terms of probation.” *Baker v. State*, 2011 WY 53, ¶ 9, 248 P.3d 640, 642 (Wyo. 2011). There is no

dispute Appellant was a resident of an ACC. *Hutton v. State*, 2018 WY 88, ¶¶ 19-20, 422 P.3d 967, 971 (Wyo. 2018) (Denying credit for time spent in “nonresident portion of the Volunteers of America program.”) However, the parties do not agree on the date Appellant entered the ACC in January 2022. Thus, this Court will remand for the district court to determine the number of additional days of credit Appellant should receive for time served as the resident of an ACC. It is, therefore,

[¶4] **ORDERED** the Fremont County District Court’s September 19, 2022, Order After Evidentiary Hearing be, and hereby is, reversed in part, to the extent noted above; and it is further

[¶5] **ORDERED** that this matter is remanded to the district court for that court to determine the number of days of credit Appellant should receive for her time served as a resident of the ACC; and it is further

[¶6] **ORDERED** that this Court retains no jurisdiction over this matter.

[¶7] **DATED** this 25th day of January, 2023.

BY THE COURT:

/s/

KATE M. FOX
Chief Justice