

[Cite as *State v. Perryman*, 2024-Ohio-4587.]

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO, :
 :
 Plaintiff-Appellee, :
 : No. 114004
 v. :
 :
 LARUE M. PERRYMAN, III, :
 :
 Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: September 19, 2024

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-17-623518-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Kristen Hatcher, Assistant Prosecuting Attorney, *for appellee*.

Cullen Sweeney, Cuyahoga County Public Defender, and Rick L. Ferrara, Assistant Public Defender, *for appellant*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Defendant-appellant, Larue Perryman, III, appeals from the trial court's May 2, 2024 judgment granting his motion for jail-time credit in part and denying it in part. The trial court granted the motion in part, giving Perryman two days of jail-time credit and denied it in part, finding that it had "no authority to award jail-time credit in regard to time spent at the juvenile detention center." In his sole assignment of error, Perryman challenges the trial court's denial of the motion relative to time he spent in juvenile detention. The State has filed a notice that it concedes error on this issue. For the reasons set forth below, we reverse the judgment as it relates to the trial court's authority to issue jail-time credit for time spent at a juvenile detention center and remand the case for further proceedings.

{¶ 2} In 2017, a complaint was filed against Perryman in juvenile court; the complaint alleged that he committed a series of crimes in 2016, when he was 17 years old. In November 2017, the juvenile court bound Perryman over to adult court, where, in December 2017, he was charged with 24 crimes.

{¶ 3} In 2019, Perryman pleaded guilty to one count of aggravated robbery with a three-year firearm specification, three counts of aggravated robbery each with a one-year firearm specification, one count of having weapons while under disability, and one count of failure to comply. The remaining counts and specifications were dismissed in accordance with the plea agreement. The trial court sentenced Perryman to a ten-year prison term. The trial court gave him jail-time

credit; the sentencing entry does not specify if the credit was for time Perryman spent in confinement under the juvenile court or adult court's jurisdiction.

{¶ 4} In 2019, Perryman, pro se, filed a motion for jail-time credit for time he spent in juvenile detention; the State did not oppose the motion. In June 2019, the trial court denied the motion, stating that Perryman “was given all jail-time credit allowed at the time of sentencing.”

{¶ 5} On April 29, 2024, Perryman, pro se, filed another motion for jail-time credit, again seeking credit for time he was in juvenile detention. On May 2, 2024, without a response from the State, the trial court denied the motion as it related to credit for time spent in juvenile detention, stating that it did not have authority to grant credit for time served in juvenile detention. Perryman challenges that denial in this appeal.

{¶ 6} Under R.C. 2967.191(A), prison terms shall be reduced pursuant to related days of confinement. The section mandates in relevant part that

[t]he department of rehabilitation and correction shall reduce the prison term of a prisoner . . . by the total number of days that the prisoner was confined for any reason arising out of the offense for which the prisoner was convicted and sentenced, including . . . confinement in a juvenile facility.

R.C. 2967.191(A).

{¶ 7} R.C. 2929.19(B)(2)(g)(iii) provides that a defendant “may, at any time after sentencing,” file a motion for a correction in jail-time credit. The section further provides that the sentencing court “retains continuing jurisdiction” to correct an error in jail-time credit. *Id.*

{¶ 8} Thus, under the terms of R.C. 2967.191(A) and 2929.19(B)(2)(g)(iii), Perryman was entitled to credit for the time he spent in juvenile detention for the within crimes prior to this case being transferred to adult court. *See also State v. Harris*, 2020-Ohio-4303 (8th Dist.) (holding that defendant was entitled to recalculation of his jail-time credit because his confinement in juvenile detention involved the same incident and delinquent acts upon which his order of commitment from adult court was based).

{¶ 9} We therefore remand this case to the trial court for a hearing to determine how much, if any, credit Perryman is entitled to based on his confinement in juvenile detention for the crimes that were the subject of this case.

{¶ 10} Judgment reversed, and case remanded to the lower court for further proceedings consistent with this opinion.

It is ordered that appellant recover from appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MICHAEL JOHN RYAN, JUDGE

MICHELLE J. SHEEHAN, P.J., and
EMANUELLA D. GROVES, J., CONCUR