

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-140192
		C-140193
Plaintiff-Appellee,	:	TRIAL NOS. B-1205532
		B-1201467
vs.	:	
ROGER GRAY,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these consolidated appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Roger Gray appeals from the trial court's judgments granting jail-time credit. In the case numbered B-1201467, Gray had pled guilty to two counts of theft from an elderly or disabled adult. The trial court accepted his pleas, found him guilty, and ordered the 18-month prison terms for the offenses to be served concurrently. The trial court also granted Gray a jail-time credit of 126 days for time already served. Those sentences were ordered to be served consecutively to the prison term imposed in the case numbered B-1205532 and to a sentence imposed in Indiana.

In a single assignment of error, Gray argues that he was entitled to have the 126-day credit granted for the two concurrent terms added together for a total credit of 252 days.

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Gray's argument is feckless. The Ohio Supreme Court has held that "when a defendant is sentenced to concurrent terms, [jail-time] credit must be applied against all terms, because the sentences are served simultaneously." *State v. Fugate*, 117 Ohio St.3d 261, 2008-Ohio-856, 883 N.E.2d 440, ¶ 22. But nothing in *Fugate*, or in R.C. 2929.19(B)(2) or 2967.191, requires a trial court to grant more than the earned jail time by applying the credit seriatim against each term.

Here the trial court properly reduced the term of each of the two concurrent theft offenses by 126 days. The trial court's grant of jail-time credit was not contrary to law. *See* R.C. 2953.08(G)(2); *see also State v. Hargrove*, 1st Dist. Hamilton No. C-120321, 2013-Ohio-1860, ¶ 8. The assignment of error is overruled.

Therefore, the trial court's judgments are affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., CUNNINGHAM and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on April 29, 2015

per order of the court _____.

Presiding Judge