

ORIGINAL

FILED

06/10/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 24-0366

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0366

FILED

JUN 10 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

STATE OF MONTANA,

Plaintiff and Appellee,

v.

ORDER

ZACKERY ROBERT BAKER,

Defendant and Appellant.

Plaintiff and Appellee State of Montana and Defendant and Appellant Zackery Robert Baker, by and through their respective counsel, now stipulate and jointly move for an order dismissing this appeal and remanding the matter to the District Court with instructions to amend its April 15, 2022 Change of Plea, Sentence, Order to Close File, and Order Exonerating Bond to credit Baker with an additional 10 days of time served.

Baker appealed from the April 15, 2022 Order entered in the Eighth Judicial District Court, Cascade County, Cause No. ADC-23-785. The parties advise this Court that the District Court held a sentencing hearing on April 10, 2022, at which the parties stipulated that Baker was entitled to 110 of credit for time served. However, the parties now agree that the proper credit for time served is 120 days. "Calculating credit for time served is not a discretionary act, but a legal mandate." *State v. Parks*, 2019 MT 252, ¶ 9, 397 Mont. 408, 450 P.3d 889.

Based on the parties' stipulation, and good cause appearing,

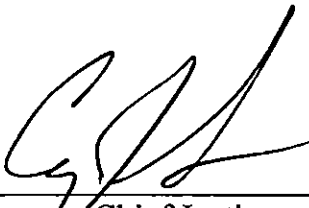
IT IS ORDERED that this case is REMANDED to the Eighth Judicial District Court, Cascade County, with instructions for the District Court to Amend its April 15, 2022 Order to credit Baker with a total of 120 days of credit for time served.

IT IS ORDERED that this appeal is DISMISSED WITH PREJUDICE.

IT IS ORDERED that REMITTITUR shall issue IMMEDIATELY UPON REMAND.

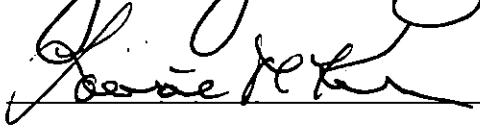
The Clerk is directed to provide copies of this Order to all counsel of record and to presiding judge Honorable David Grubich.

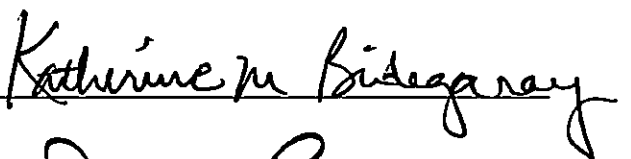
Dated this 10th day of June, 2025.

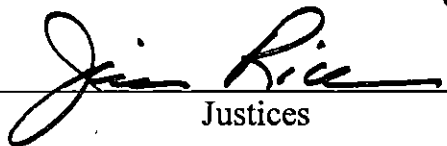


Chief Justice









Justices