IN THE COURT OF APPEALS
STATE OF GEORGIA

DEVEON TYREE MERRELL,

APPELLANT,

v.

STATE OF GEORGIA,

APPELLEE.

COURT OF APPEALS CASE NO. A26A1182

GLYNN COUNTY SUPERIOR COURT
CASE NUMBER: CR-2400151

BRIEF OF APPELLANT

Submitted by:

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IN THE COURT OF APPEALS
STATE OF GEORGIA

DEVEON TYREE MERRELL, **APPELLANT,**	**Court No. A26A1182**
v.	**On Appeal From the Glynn Superior Court Case No. CR-2400151**
STATE OF GEORGIA, **APPELLEE.**	

APPELLANT'S BRIEF IN SUPPORT OF APPEAL

COMES NOW Appellant, DEVEON TYREE MERRELL, (hereinafter "Appellant"), by and through undersigned counsel and files his *Brief in Support of Appeal*, from an Order of the Superior Court of Glynn County wherein the trial court refused to grant Appellant credit towards his sentence for the time he served in lockdown home confinement while on pre-trial release.

Statement of Jurisdiction

This matter is within the jurisdiction of the Court of Appeals because neither the crime Appellant is charged with, nor the issues raised in the trial court, are among the class of cases and/or issues reserved to the exclusive jurisdiction of the Supreme Court of Georgia.

Standard of Review

The standard of review on Appeal from a decision of the trial court regarding the application of the law to facts not in dispute is de novo. *Suggs v. State*, 272 Ga. 85, 526 S.E.2d 347 (2000).

Enumeration of Error

Whether Appellant was in lawful custody in a "Penal Institution", defined in the Georgia Code at § 42-1-5 (a)(3) and §16-10-56 (a), so as to receive credit towards his sentence for time spent in the lockdown electronic pre-trial "home confinement" program, as contemplated by the recently amended O.C.G.A. § 17-10-11.

Statement of the Case

Appellant was arrested on February 21, 2024, for an incident that occurred on February 18, 2024. Appellant was indicted on May 15, 2024, in Indictment No. CR2400151.[1] On September 19, 2025, Appellant pled guilty to one count of aggravated assault, as a party to the conduct of another, and one count of Violation of Street Gang Terrorism Prevention Act. For each count Appellant was sentenced to 20 years with 10 years to serve in confinement and the balance to be served on probation. The sentence for both counts were run concurrently.

When initially arrested on February 21, 2025, Appellant was denied bond. Thereafter he spent the first 209 days after his arrest in the Glynn County Jail. On September 18, 2024, Appellant was granted bond and released into *lockdown* home confinement under the purviews of O.C.G.A. §17-6-1.1, monitored by Glynn County

[1] The indictment charges Appellant with four counts of Aggravated Assault in violation of O.C.G.A. § 16-5-21, 16 counts of Violation of Street Gang Terrorism and Prevention Act O.C.G.A. § 16-15-4, and four counts Possession of a Firearm During the commission of a Felony § O.C.G.A. 16-11-106.

Probation. As a condition of bond, Appellant's assigned Probation Officer would make regular house checks and oversee Defendant's ankle monitor compliance via GPS tracking. Appellant would also have to notify Probation about any proposed departure from the property where he was confined. Any such departure had to be approved by the trial court, the terms of which would then be relayed, if approved, by probation to the monitoring company.

> The specific conditions of Appellant's Bond were as follows:
>
> [I]t is HEREBY ORDERED that a total bond be set in this case in the amount of $50,000.00, said bond to be satisfied with cash, property or by commercial surety.
>
> It is also ordered that Defendant shall be subject to the following conditions of bond:
>
> 1. Defendant shall be released from the custody of the Glynn County Detention Center to ***electronic pre-trial release in home confinement as contemplated by O.C.G.A. § 17-6-1.1***.[2] (Emphasis added)
> 2. Defendant's movement while on pre-trial release will be limited to the property upon which the residence(s) he is released to is/are situated. The perimeter of said property/properties to be programed into the GPS monitoring equipment Defendant shall be required to wear as a condition of his release. ***GPS monitoring to be set up through CSRA Probation Services within 24 hours of his release from custody.*** (Emphasis added).
> 3. Defendant shall not leave the property/properties to which he is confined except for Court appearances, Attorney visits or medical emergencies. Should he have a scheduled Court date, appointment with his lawyer or an unexpected medical emergency, Defendant shall contact the monitoring company and advise them of the date and time of Court, the appointment with his lawyer or the nature of the medical

[2] In this regard, the critical term included by the legislature in O.C.G.A. §17-6-1.1 (e)(1), to which Appellant was subject as a condition of his bond, is "home confinement".

emergency and to where he will be traveling for treatment. Defendant shall notify the monitoring company 48 hours prior to any Court date or appointment with his lawyer.
4. Defendant shall not possess guns, drugs or alcohol.
5. ***Defendant shall be prevented from all forms of social media, and subject to searches of his phone by law enforcement without a warrant.*** (Emphasis added).
6. Defendant shall not violate the criminal laws of any governmental unit.
7. Defendant shall appear in Court as directed.
8. Defendant shall not have any contact with co-defendants or witnesses. (R-23, P. 112-113).

At sentencing on September 19, 2025, Appellant received credit for the 209 days spent in the Glynn County Jail before being released to home confinement under the terms and conditions of bond set out herein above. Thereafter he spent 365 days in home confinement, credit for which the trial court "decided" not to give him towards his 10 year prison term.[3]

The Trial Court's Exercise of Discretion at Sentencing

Under current Georgia law, however, this is not a decision within the trial court's discretion to grant or deny. If Appellant was in lawful "confinement" in a "penal institution" as defined by the Georgia Code, he must get "credit" for that time under the January 2020 revision to O.C.G.A. § 17-10-11. (See also, 18 USC §

[3] When asked to give Appellant credit for the time spent in home confinement towards his sentence the trial court responded: "I have to make the decision. I'm not going -- I'm not going to give credit for that time. He asked for bond and was out. The rest of them had to serve in the jail here. I understand your case and it may apply to this. It's a little bit different case, but it's same statute, probably. But, anyway, I'm not -- I'm not going to give credit for that time". (R-46, Page 25, Lines 6-13 of the Plea Hearing & Sentencing).

3585(b))("Credit for Prior Custody"**:** "A defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in ***official detention*** prior to the date the sentence commences.) (Emphasis added).

As such, the question to be decided is, whether Appellant was "lawfully confined" in a "Penal Institution" under the terms of his pre-trial release as contemplated by O.C.G.A. § 17-10-11.

ARGUMENT AND CITATION OF AUTHORITY

O.C.G.A. § 17-10-11

The authority to grant credit for time served in pre-trial detention in Georgia is governed by O.C.G.A. § 17-10-11. Under the provisions thereof, a person arrested for a criminal offense is guaranteed credit for time served: (1) while ***confined***; (2) in any ***penal institution*** or facility ***prior to conviction***. (Emphasis added). At first blush, it seems Appellant's pre-trial custody might not fit within the provisions of the statute because "home confinement" has not been recognized as a location that fits within the definition of a "penal institution" as contemplated by O.C.G.A. § 17-10-11. This, despite the fact that in *Spann v. Whitworth,* 262 Ga. 21, 22 (1992), the Supreme Court held, "[t]he clear policy behind O.C.G.A. §§ 17-10-9 through 17-10-12 is that time spent in incarceration ***under the authority of this state or political subdivision thereof*** should count toward the time which a prisoner must serve." (Emphasis added).

Penal Institutions:

More importantly, the definition of a penal institution in the Georgia Code at Title 42, "Penal Institutions", and Title 16, "The Criminal Code of Georgia", do not limit its confines to the structure of prisons or jails, it includes them. The Georgia Code unambiguously[4] defines the term "penal institution" in O.C.G.A. § 42-1-5 (a)(3) and 16-10-56 (a) as, "***any place of confinement*** for persons accused or convicted of violating a law of the state, or an ordinance of a municipality or political subdivision of the state." (Emphasis added). Clearly, "home confinement" by its terms, coupled with the "lockdown" requisites of Appellant's conditions of bond, satisfy that definition.

Similarly, in attempting to establish a uniform understanding under State and Federal law of the terms, "credit for time served"; "in custody"; or "confinement" prior to sentencing, there are other provisions within the Georgia and Federal Codes which also confirm Appellant's argument. In this regard, in addition to the plain

[4] In Georgia, the principle that appellate courts cannot interpret clear statutory language is known as the "plain meaning rule" or textualism. Under this rule, if the language of a statute is clear and does not lead to an absurd result, judicial construction is forbidden. This approach, confirmed by the Supreme Court *State v. Fielden, 280 Ga. 444* (2006), holds that courts lack authority to rewrite statutes and must apply them as written. Simply put, the legislature's intent for a code section is found in the words of the statute, not in outside legislative or judicial history. As a result, the courts are precluded from construing, adding to, or rewriting unambiguous statutes, as this would violate the separation of powers.

reading of O.C.G.A. § 17-10-11 as amended and Sections 42-1-5 (a)(3) and 16-10-56 (a), the Georgia Code also provides at § 42-8-34(f), "Sentencing Hearings and Determinations", that "***any time served in confinement***", generally, "***awaiting*** a probation revocation hearing or ***final sentencing*** is considered a part of the final sentence". (Emphasis added).

Moreover, 18 U.S.C. 3585 (b,), "Credit for Prior Custody", also provides that "[a] defendant shall be given credit toward the service of a term of imprisonment for any time he has spent ***in official detention*** prior to the date the sentence commences. (Emphasis added).

O.C.G.A. § 17-6-1.1

In analyzing the tenets of O.C.G.A. § 17-10-11 as to when credit for time served in home confinement shall be granted, it is critical to examine O.C.G.A. § 17-6-1.1, and the legislature's stated intent in enacting the provisions of the "Electronic Pretrial Release and Monitoring Program". The legislative notes leading up to the amendment of O.C.G.A. § 17-6-1, and subsequent case law, offer guidance about the purpose of the amendment and its application to the unfounded limitations faced by Appellant here.

The fundamental purpose for the legislature's amendment to § 17-6-1 was to create alternative ***custodial housing options*** for pre-trial detainees and state prisoners, while at the same time conserving State resources through the use of

advancing technology. *Editors Notes Ga. L. 2009, p. 691, § 1/HB 306.* (Emphasis added). The General Assembly also recognized the technology utilized in the electronic pretrial release, monitoring, and ***home confinement*** program would help "to ensure proper prioritization of local ***incarceration resources*** through ***home confinement***, while at the same time creating **instant** alert capabilities to law enforcement in the event terms of pretrial release to home confinement are violated". *Id.* (Emphasis added).

The legislative intent was concisely summarized by this Court as follows:

> The General Assembly provided for the creation of programs of electronic pretrial release to, among other things, ***"[a]ssist[ ] sheriffs in alleviating jail overcrowding*** by creating alternative methods of pretrial release ***[with] monitoring and home confinement*** [.]..."Indeed, the General Assembly found that ***"a program of electronic pretrial release, monitoring, and home confinement*** incorporates modern technology to accomplish" various purposes. Thus, the General Assembly explicitly recognized a defendant's home as a place where he or she could be kept ***within bounds*** or ***restricted in movement***, for purposes of the program. *Brown v. State*, 314 Ga. App. 1 (2012) (Emphasis added)

This Court's observations, applied in conjunction with the legislative notes regarding the amendment, demonstrate that in enacting O.C.G.A. § 17-6-1.1, the General Assembly recognized "electronic home confinement" pending the disposition of one's case is consistent with the bounds set out in the definition of a

"penal institution" in the Georgia Code.[5] And because that is the case, a defendant in pre-trial home confinement under conditions of bond consistent with those of Appellant's here, should receive credit for the time served in custody/confinement there towards his sentence.

This is not a realization foreign to the concept of "confinement" during pre-trial release under house arrest. In *Johnson v. State*, 283 Ga. App. 425 (2007), this Court analogized placement in a detention or diversion center[6] to serve a continuous period in "custody" as a condition of probation with that similarly served in house arrest, "as forms of confinement".[7]

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[5] That is, "any place of confinement for persons accused or convicted of violating a law of the state, or an ordinance of a municipality or political subdivision of the state." O.C.G.A. § 16-10-56 (a) and O.C.G.A. § 42-1-5 (a)(3)**.** (Emphasis added).

[6] Both detention and diversion centers utilized as places of confinement consistent with prisons and jails structurally, for persons accused or convicted of violating a law of the state and requiring an actual custodial status as a condition of bond or probation.

[7] In *Penaherrera v. State,* 211 Ga. App. 162 (438 SE2d 661) *(*1993), this Court held that a trial court has the discretion to condition probation upon "limited confinement" in a detention or diversion center or in the defendant's own home. In this context, the Court observed that limited confinement does not necessarily constitute incarceration, which "refers to continuous and uninterrupted custody in a jail or penitentiary". However, that the Court equates the limitations of "lockdown" home confinement to the constraints of a "diversion" or "detention" center (government facilities recognized as "place[s] of confinement for persons accused of or convicted of violating a law of the state"), establishes the "confinement" requisite for the definition a Penal Institution in the Georgia Code. Thus, it also satisfies the requisites of O.C.G.A. § 17-10-11.

Statutory Interpretation:

In interpreting the purpose for the newly enacted O.C.G.A. § 17-6-1.1, this Court in *Brown, supra,* noted in its commentary that "[i[ndeed the General Assembly Found that indeed ***"a program of electronic pretrial release, monitoring, and home confinement*** incorporates modern technology to accomplish various purposes." Thus recognizing that the adjective "electronic" in the new statute is modifying the terms "pretrial release", "monitoring" and "home confinement". This observation confirmed the General Assembly's stated intent to create the program as a unified concept.

Applying statutory interpretation principles to this critical phrase, under "The Last Antecedent Rule", (*Reading Law*: *The Interpretation of Legal Texts*, Antonin Scalia (2012)), modifying words or phrases typically apply only to the immediately preceding words, not to more remote phrases. Under this rule, "electronic" would seemingly modify only "pretrial release," not "monitoring" or "home confinement." However, the series-qualifier canon, (or rule of the last antecedent's exception), provides that when there's a series of terms with a modifier, and the series makes sense only if the modifier applies to all, then it should apply to each term. (*Facebook Inc v. Duguid*, 592 U.S. 395 (2021)). And it is this rule that governs the interpretation of the Legislature's intent with the enactment of O.C.G.A. § 17-6-1.1.

Under the circumstances here, the antecedent term "electronic" would certainly modify all three of the ensuing terms because:

1. The statute is specifically about *electronic* monitoring technology (O.C.G.A. § 17-6-1.1)
2. Non-electronic pretrial release, monitoring, and home confinement already existed
3. The legislature's purpose was to incorporate "modern technology"

Therefore, these words should be interpreted noscitur a sociis, that is by the company they keep. And under “The Whole Act Rule” or “Unified Reading” principles looking at O.C.G.A. § 17-6-1.1 in its entirety, the statute creates one program with multiple components, not three separate programs. Here, the legislature used "and" rather than "or" between these terms, confirming they work conjunctively as parts of an integrated whole, not as alternatives. The program involves:

- Release (from jail) +
- Monitoring (via electronics) +
- Home confinement (as the location)

This tenet is critical because it shows that home confinement under this program is not merely a condition of release but can be an essential component of the confinement itself. The legislature didn't envision "monitoring", coupled with the conditions of bond here, as something separate from "confinement" or “custody"

in the home. Rather, electronic monitoring is the mechanism that enables and enforces “home confinement” as a viable custodial means, under governmental supervision, to assist with conditions such as jail overcrowding by creating alternative means of “pre-trial detention”.

The conjunctive 'and' indicates that home confinement is an essential element of the pretrial detention scheme, not merely a permissive condition. Electronic monitoring serves as the enforcement mechanism for what the legislature explicitly termed 'home confinement'—a word denoting restriction and detention, not a mere limitation on one’s liberty. The General Assembly's reference to 'electronic pretrial release, monitoring, **and** home confinement' demonstrates, conjunctively, that these are not separate alternatives but integrated components of a unified custodial program. Moreover, the legislature's use of the word "confinement" in sub-paragraph (e)(1) of the new code section, (rather than "detention," "supervision," "restriction," or "monitoring"), is itself significant because “confinement” implies by its definition: (1) physical restriction to a space; (2) lack of liberty to leave; and (3) a custodial status.

Clearly then, the semantic choices in the amendment to O.C.G.A. § 17-6-1 establish the legislature’s intent to have “electronic home confinement”, coupled with the conditions of bond at issue in this case, constitute “custody” in a “penal

institution": (1) as defined by the Georgia Code; and (2) for the purpose of credit-for-time-served under O.C.G.A. § 17-10-11.

***Brown v. State*, 314 Ga. App. 1 (2012)**

In this regard, this Court addressed the concept of home confinement as a means of custodial detention in a multi-faceted opinion comparing its constraints on a defendant's liberty, to that contemplated by O.C.G.A. § 17-10-11 and O.C.G.A. § 16-10-52 (a). See, *Brown v. State*, 314 Ga. App. 1 (2012).

The circumstances in *Brown* focus on the concepts of custody and confinement in contemplation of the crime of escape. Importantly though, the circumstances at issue in *Brown* also go directly to his custodial status while on pre-trial release. Brown was placed on total lockdown electronic house arrest while awaiting trial on criminal charges. The bond order provided pertinently that Brown "shall serve ... 240 ... days home confinement[8] with electronic monitoring under the ... Electronic House Arrest Program (`EHAP')," on "total Lock-down", "allowed to leave his home only to attend church". Brown was required to wear an electronic leg

[8] It is unclear why Brown's pre-trial release order was limited to 240 days, although it is clear in the opinion that the time frame was not in conjunction with any "sentence" imposed by the trial Court or that Brown was serving at the time of his escape from pre-trial release. Nonetheless, this Court confirmed in *Brown* that the issue before it was whether a conviction for escape may arise from ***a violation of house arrest imposed as a condition of pretrial release***. Addressing specifically whether Brown's placement on electronic pretrial release ***fits the definition of "lawful custody or lawful confinement"*** within the meaning of the escape statute, O.C.G.A. § 16-10-52(a)(2). (Emphasis added).

monitor equipped with global positioning to track his compliance with the home confinement provisions. Two months after his release to home confinement, Brown cut off the electronic monitor and fled. He was apprehended in another city. After his arrest Brown admitted he had removed the electronic monitor and left his home. Brown was charged with the offense of "Escape" from custody in violation of O.C.G.A. § 16-10-52.

At trial Brown contended, relying on O.C.G.A. § 16-10-52 (a)(2)[9], the evidence was insufficient to support his conviction for escape because he was not in custody or confinement at the time of the incident giving rise to the charge. ***The state***, on the other hand, argued ***that electronically monitored house arrest is confinement***. Specifically, the state asserted that Brown ***was confined*** within the meaning of the statute ***because he was required to remain at his home*** at all times ***and the electronic monitor was designed to alert the state*** in the event Brown left his home, ***just as the state would be alerted if Brown left a jail cell***. (Emphasis added). The State's position in *Brown* as to his custodial status is consistent with Appellant's position here.

[9] For the purposes of the Appellate issues here, it is critical to note that the arguments and holdings in *Brown* establish that under Georgia law, you have "escaped" from ***lawful custody/confinement*** while on pre-trial release, prior to conviction, O.C.G.A. § 16-10-52 paragraph (a)(2); or prior to adjudication, O.C.G.A. § 16-10-52 paragraph (a)(4) , when one absconds from home confinement under the conditions of bond imposed on Brown and Appellant here. (Emphasis added).

Alternatively, the state equated Brown's home to a diversion center where the failure to return thereto could subject a defendant to prosecution for escape. *Echols v. State*, 233 Ga. App. 578 (1998) (under O.C.G.A. § 16-10-52(a)(5), not reporting back to a diversion center constitutes the felony offense of escape). The state also argued failure to construe Brown as being in custody or confinement while he was on electronically monitored house arrest would "end the use of electronic house arrest ***as a method of alternative confinement*** ... [and] offenders would be free to escape house arrest with impunity." The Court did not dispel any of the State's arguments in this regard in its opinion. (Emphasis added).

After considering the arguments of counsel and applying the plain meaning of the terms "lawful custody", "confinement" and "in the custody of the law", the Court found it undisputed Brown was being "restricted to" or "detained" within his home under the guard of an electronic monitor. And, as a result, he was "in lawful confinement" as contemplated by O.C.G.A. § 16-10-52 at the time he absconded.

More importantly to the issues in the instant appeal, it seems clear that the State's unqualified position as to Brown's status in electronically monitored lockdown home confinement, he would have been entitled to credit towards his sentence for the time spent in the electronic "home confinement" program had he not run away.

The Holding in *Tatis v. State*

Based upon the foregoing, it is clear that "custody of the state" does not have to be within the physical confines of a jail or prison to satisfy the definition of a penal institution for the purposes of O.C.G.A. § 17-10-11. Rather it must be considered how custodial detention in locations other than the structures of a prison or jail can qualify as the type of confinement contemplated by that definition of a penal institution, when accompanied by other types of official restraint. For example, O.C.G.A. § 17-10-11 allows credit for time served prior to sentencing in places such as a "facility … for treatment or examination for a disability." *Id.* This provision of the code section, again, establishes that the intention of the legislature in enacting it was to ensure that its purviews were not limited to a designated brick and mortar jail or prison. Rather, it was to assure that wherever the person was "confined", it was under the supervision and control of the State.

In *Tatis v. State*, 289 Ga. 811 (2011), Brian Tatis was arrested at his girlfriend's home on November 23, 2010, while attempting to elude law enforcement after jumping from a second floor balcony of her home. In so doing, he broke his foot. Because of his injuries he was taken to Grady Hospital, handcuffed to his bed and monitored by law enforcement, where he remained under police supervision. After several days of recovery, he was transported to the Fulton County Jail where he remained without bond or indictment.

Tatis was indicted on February 22, 2011, 92 days after his arrest whereupon he moved for bond pursuant to O.C.G.A. § 17-7-50. In Georgia under O.C.G.A. § 17-7-50 a person who is not indicted within 90 days of arrest and is in lawful custody the entire time is guaranteed a bond. In pertinent part, O.C.G.A. § 17-7-50 provides, "[i]n the event no grand jury considers the charges against the accused person within the 90-day period of ***confinement*** or within the extended period of ***confinement*** where such an extension [is] granted by the court, the accused shall have bail set upon application to the court." (Emphasis Added)

The trial court denied Tatis's motion, finding he was not in "custody" as contemplated by O.C.G.A. § 17-7-50 until he was "incarcerated" within the confines of the Fulton County Jail.

The Supreme Court reversed, holding that a person need not be incarcerated to be in confinement for purposes of O.C.G.A. § 17-7-50. *Tatis* at 814. Demonstrating that a penal institution as contemplated by Georgia law, a hospital in *Tatis*, can serve as a place of confinement if a person is appropriately restrained by governmental authority. *Cherokee County v. North Cobb Surgical Associates, P.C.,* 221 Ga. App. 496 (1993) (A suspect who is placed under arrest is still in custody while that person is being treated at a hospital, even if the person arrives at the hospital before being processed by the jail or police department).

In this same regard, Appellant's liberty was completely restrained by the limitations of the trial court's bond order which confined him to his home under total lockdown conditions; requiring 24/7 GPS ankle monitoring; 24/7 governance by a State Probation Officer as to compliance with the bond order; including a prohibition on the use of electronic media entirely.

Appellant's home here was the hospital in *Tatis,* with the special conditions of bond including GPS monitoring and the governance of Probation serving as the handcuffs to his home.

In reaching its findings in *Tatis*, it is critical to note that the Supreme Court specifically cited to *People v. Gravlin*, 52 Mich. App. 467 (1974), to interpret the concept of a place of confinement which goes directly to the issue on Appeal here. In *Gravlin*, the Appellee was convicted of murder at trial and argued he should have gotten time credit for the time he spent in a mental institution while he was not competent to stand trial. The statute in Michigan controlling credit for time served only included credit for time spent "in jail". Nonetheless, the 1st District Court of Appeals held that "[a] jail" means a place of confinement and a mental hospital is such a place." Id at 469. The 1st District Court went further, however, and held that "[a] defendant must be given credit against his sentence for time spent in confinement ***pursuant to governmental authority***, regardless of the place of confinement." Id.; cited by *Tatis*, 298 Ga. at 813. (Emphasis added).

The crux of these opinions is that "confinement" is a situation in which the defendant may not leave "official custody" of his own volition. *Tatis*, at 814. Hence, one need not be "confined" in a prison or jail to be in "official custody" under O.C.G.A. § 17-7-50 in order to receive credit for the time served in confinement there. *Id*.

The same reasoning applies to the credit Appellant is entitled to towards his sentence here for the time spent in "home confinement" under the conditions of his bond. That is, "a[] place of confinement for persons accused or convicted of violating a law of th[is] state".

CONCLUSION

WHEREFORE, for the reasons set out herein above, Appellant moves this Court to reverse the trial court's denial of his motion to grant him credit for time served in the electronic pre-trial home confinement program and to remand this matter back to the trial court for resentencing.

Respectfully submitted, this 2nd day of March 2026.

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STATE OF GEORGIA, **APPELLEE.**	

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a copy of the foregoing **APPELLANT'S BRIEF IN SUPPORT OF APPEAL** via email to opposing counsel at the following address:

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Pursuant to Court of Appeals Rule 6(d), I certify that there is a prior agreement with the Assistant District Attorney to allow documents in a .pdf format to be sent via email to suffice for service. This submission does not exceed the word count limit imposed by Rule 24.

Respectfully submitted, this, the 2nd day of March, 2026.

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