

# Parole, ERS, Trusty Time & MET

**Jake Howard, Senior Counsel**

**MacArthur Justice Center**

**(206) 550-0299**

**[jake.howard@macarthurjustice.org](mailto:jake.howard@macarthurjustice.org)**

**When in doubt**  
**ASK MDOC'S LAWYER**

**William R. Collins**

**Special Assistant Attorney General**

**(601) 359-4287**

**[william.collins@ago.ms.gov](mailto:william.collins@ago.ms.gov)**

# Ways to get out early

- **PAROLE**
- **ADMINISTRATIVE REDUCTIONS**
  - Earned Release Supervision (“ERS”)
  - “Trusty Time” (AKA “30 for 30”)
  - Meritorious Earned Time (“MET”)

**If your client is NOT eligible for parole  
or administrative reductions s/he will  
serve 100% of his/her sentence  
(i.e. a “day-for-day” sentence)**

# **PAROLE ELIGIBILITY**

**(For crimes committed after June 30, 1995)**

**Is it eligible for parole?**

**READ SECTION 47-7-3**

# Not Eligible for Parole

(a) Habitual Offenders

(b) Sex Offenses (as defined in Section 45-33-23(h))

(c) Capital Murder

(d) 1<sup>st</sup> & 2<sup>nd</sup> Degree Murder

(e) Human Trafficking (committed on or after July 1, 2014)

(f) Trafficking a Controlled Substance

# **Not Eligible for Parole**

**(g) “Offenses specifically prohibiting parole release.”**

**Read the criminal statute.**

**Example: Possession of a Controlled Substance in a Correctional Facility. Section 47-5-198**

**“...and the person is not eligible for probation, parole, suspension of sentence, earned time allowance or any other reduction of sentence.”**

# Eligible for Parole

## Nonviolent Crimes

**“...eligible for parole only after they have served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed by the trial court.”**

**Nonviolent = Not designated as violent in Section 97-3-2.**

# Eligible for Parole

## Armed Robbery, Drive-by Shooting & Carjacking

**“...eligible for parole only after having served sixty percent (60%) or twenty-five (25) years, whichever is less, of the sentence or sentences imposed by the trial court.”**

# Eligible for Parole

## Other Violent Crimes

**“...eligible for parole only after having served fifty percent (50%) or twenty (20) years, whichever is less, of the sentence or sentences imposed by the trial court.”**

**Is it a “crime of violence”?**

**READ MISS CODE ANN. § 97-3-2**

# Crimes of Violence – Miss. Code Ann. § 97-3-2

- (a) **Driving under the influence** as provided in [Sections 63-11-30\(5\)](#) [Aggravated DUI] and [63-11-30\(12\)\(d\)](#) [Serious Injury or Death of a Child];
- (b) **Murder and attempted murder** as provided in [Sections 97-1-7\(2\)](#), [97-3-19](#), [97-3-23](#) [Out-Of-State Duels] and [97-3-25](#).

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (c) **Aggravated assault** as provided in [Sections 97-3-7\(2\)\(a\) and \(b\)](#) and [97-3-7\(4\)\(a\)](#);
- (d) **Manslaughter** as provided in [Sections 97-3-27](#), [97-3-29](#), [97-3-31](#), [97-3-33](#), [97-3-35](#), [97-3-39](#), [97-3-41](#), [97-3-43](#), [97-3-45](#) and [97-3-47](#);

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (e) **Killing of an unborn child** as provided in [Sections 97-3-37\(2\)\(a\)](#) and [97-3-37\(2\)\(b\)](#);
- (f) **Kidnapping** as provided in [Section 97-3-53](#);
- (g) **Human trafficking** as provided in [Section 97-3-54.1](#);

# Crimes of Violence – Miss. Code Ann. § 97-3-2

- (h) **Poisoning** as provided in [Section 97-3-61](#);
- (i) **Rape** as provided in [Sections 97-3-65](#) and [97-3-71](#);
- (j) **Robbery** as provided in [Sections 97-3-73](#) and [97-3-79](#);

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (k) **Sexual battery** as provided in [Section 97-3-95](#);
- (l) **Drive-by shooting or bombing** as provided in [Section 97-3-109](#);
- (m) **Carjacking** as provided in [Section 97-3-117](#);

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (n) **Felonious neglect, abuse or battery of a child** as provided in [Section 97-5-39](#);
- (o) **Burglary of a dwelling** as provided in [Sections 97-17-23](#) and [97-17-37](#);
- (p) **Use of explosives or weapons of mass destruction** as provided in [Section 97-37-25](#);

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (q) **Statutory rape** as provided in [Section 97-3-65\(1\)](#), but ***this classification is rebuttable on hearing by a judge***;
- (r) **Exploitation of a child** as provided in [Section 97-5-33](#);
- (s) **Gratification of lust** as provided in [Section 97-5-23](#); and

## Crimes of Violence – Miss. Code Ann. § 97-3-2

- (t) **Shooting into a dwelling** as provided in [Section 97-37-29](#).

## Crimes of Violence – Miss. Code Ann. 97-3-2(2)

(2) In any felony offense with a maximum sentence of no less than five (5) years, upon conviction, **the judge may find** and place in the sentencing order, on the record in open court, **that the offense**, while not listed in subsection (1) of this section, **shall be classified as a crime of violence if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act....**

# Parole Eligibility By Trial Court

## Section 47-7-3(1)(h)(iv)

“Notwithstanding the provisions of paragraph (a) of this subsection, any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five percent (25% or more of his sentence)” may petition his or her sentencing judge for parole eligibility.

# **ADMINISTRATIVE REDUCTIONS**

# Administrative Reductions

**ERS** - **Some** inmates can earn a 15% “earned release” reduction in their prison sentence. See Miss. Code Ann. §§ 47-5-138 & 139.

**Trusty Time (“30 for 30”)** - **Some** inmates can earn 30 days credit for every 30 days they are in “Trusty Status.” See Miss. Code Ann. § 47-5-138.1

**MET** – **Some** inmates can earn additional “Meritorious Earned Time” reductions for participating in programs and work assignments. See Miss. Code Ann. § 47-5-142.

# ERS Calculation

15% of sentence (after jail time subtracted)

Example: 11 year sentence. 1 year of jail time.

$11 - 1 = 10$  years.  $10 \times .15 = 1.5$  years

Begin Date: 5/2/25

Max Discharge: 5/2/36

ERS Date: ~11/2/34

# **ERS date moves as person earns Trusty Time & MET**

Prior example: ERS date = 11/2/34

Person earns 3 years of Trusty Time & MET

ERS date = 11/2/31

# **ERS is like parole**

If released on ERS date, the person serves the final 15% of their sentence in the community under the supervision of MDOC.

If the person violates the conditions of ERS, they go back to prison.

Release on ERS is discretionary.

# **ERS Eligibility**

Three sources for determining ERS eligibility

- 1. ERS Statute – Miss. Code Ann. § 47-5-139**
- 2. MDOC Policy – SOP Number 15-04-01**
- 3. Criminal Statutes**

**NOT eligible for ERS (15%)  
per ERS statute**

- Serving a life sentence.
- Convicted as a habitual offender.
- Convicted of a sex crime.

***See Miss. Code Ann. § 47-5-139***

## **Limited eligibility for ERS per ERS statute**

“The inmate has not served the mandatory time required for parole eligibility for a conviction of robbery or attempted robbery with a deadly weapon.”

***See Miss. Code Ann. § 47-5-139***

**NOT eligible for ERS (15%)  
per MDOC policy**

- Attempted Capital Murder
- Attempted Murder
- Accessory before the fact of Capital Murder
- Capital Murder (term of years for juvenile)
- 1<sup>st</sup> Degree Murder (term of years for juvenile)
- 2nd Degree Murder (term of years)
- Fleeing or eluding a law enforcement officer resulting in the death of another

***See SOP 15-04-01***

# **Limited eligibility for ERS per MDOC policy**

- “Ha[s] not served the mandatory time required for parole eligibility [for] ... car-jacking with a deadly weapon or attempted car-jacking with a deadly weapon [or] drive-by shooting.”

***See SOP 15-04-01***

**NOT eligible for ERS (15%)  
per criminal statute**

**Example (not an exhaustive list)**

Possession of a Controlled Substance in a  
Correctional Facility

**“...and the person is not eligible for probation,  
parole, suspension of sentence, earned time  
allowance or any other reduction of sentence.”**

**Miss. Code Ann. § 47-5-198(3)**

**NOT eligible for ERS (15%)  
per criminal statute**

Example (not an exhaustive list)

Trafficking a Controlled Substance

**“The ten-year mandatory sentence shall not be reduced or suspended.”**

**Miss. Code Ann. § 41-29-139(f)**

\*MDOC applies this rule to the entire sentence.

**NOT eligible for ERS (15%)  
per criminal statute**

**Example (not an exhaustive list)**

**Aggravated Trafficking**

**“The twenty-five year sentence shall be a  
mandatory sentence and shall not be reduced  
or suspended”**

**Miss. Code Ann. § 41-29-139(g)**

**\*MDOC applies this rule to the entire sentence.**

**NOT eligible for ERS (15%)  
per criminal statute**

**Example (not an exhaustive list)**

**Firearms enhancement.**

**“...which sentence shall not be reduced or  
suspended”**

**Miss. Code Ann. §§ 97-37-37(1)-(2)**

# Trusty Time

- 30 days credit for every 30 days in “Trusty Status”
- Awarded at the end of every 30 day period.
- Trusty Time works like a commutation (time earned disappears from sentence, unless person commits a serious rule violation).

# **Trusty Time Eligibility**

Three sources for determining Trusty Time eligibility

- 1. Trusty Time Statute – Miss. Code Ann. § 47-5-138.1**
- 2. MDOC Policy – SOP Number 15-02-01**
- 3. Criminal Statutes**

# **NOT eligible for Trusty Time (“30 for 30”) per Trusty Time Statute**

- Serving a life sentence.
- Convicted as a habitual offender.
- Convicted of a sex crime.
- Convicted of trafficking in controlled substances.

***See Miss. Code Ann. § 47-5-138.1***

# **Limited eligibility for Trusty Time per Trusty Time statute**

“...has not served the mandatory time required for parole eligibility, as described under Section 47-7-3, for a conviction of robbery or attempted robbery through display of a deadly weapon, carjacking through the display of a deadly weapon or a drive-by shooting.”

***See Miss. Code Ann. § 47-5-138.1***

# **NOT eligible for Trusty Time (“30 for 30”) per MDOC Policy**

- Attempted Capital Murder
- Attempted Murder
- Capital Murder (term of years for juvenile)
- 1<sup>st</sup> Degree Murder (term of years for juvenile)
- 2<sup>nd</sup> Degree Murder (term of years)
- Felonious Child Abuse under Section 97-5-39(2)  
(since 1/3/24)

***See MDOC SOP 15-02-01***

**NOT eligible for Trusty Time (“30 for 30”)  
per MDOC Policy**

- Attempted Trafficking
- Accessory After the Fact of Trafficking

***See MDOC SOP 15-02-01***

# **Not eligible for Trusty Time per criminal statute**

Example (not an exhaustive list)

Possession of a Controlled Substance in a  
Correctional Facility

**“...and the person is not eligible for probation,  
parole, suspension of sentence, earned time  
allowance or any other reduction of sentence.”**

**Miss. Code Ann. § 47-5-198(3)**

# **Not eligible for Trusty Time per criminal statute**

Example (not an exhaustive list)

**Firearms enhancement.**

“...which sentence shall not be reduced or  
suspended”

**Miss. Code Ann. §§ 97-37-37(1)-(2)**

# Meritorious Earned Time (“MET”)

- Awarded for participating in programs and work assignments.
- Usually around 10 – 30 days per program or work assignment.
- MET works like a commutation (time earned disappears from sentence, unless person commits a serious rule violation).

# **NOT Eligible for MET**

## **(COA Statutory Interpretation)**

**Not eligible for ERS = Not eligible for MET**

“This Court has repeatedly held that, notwithstanding the broad language in Section 47-5-142, eligibility for meritorious earned time is controlled by Section 47-5-139 [which governs eligibility for ERS].” ***Mason v. MDOC*, 248 So.3d 840, 840 (¶ 3) (Miss. Ct. App. 2017)** (citing numerous cases.)

# **NOT Eligible for MET**

## **Per MDOC Policy**

- Attempted Capital Murder
- Attempted Murder
- Capital Murder (term of years for juvenile)
- 1st Degree Murder (term of years for juvenile)
- 2nd Degree Murder (term of years)

***See MDOC SOP 15-03-01***

# **DAY-FOR-DAY SENTENCES**

**(\*\*not an exhaustive list\*\*)**

**Habitual offenders**

**Sex crimes**

**Possession of a Controlled Substance in a  
Correctional Facility**

# DAY-FOR-DAY SENTENCES

(\*\*not an exhaustive list\*\*)

**Capital Murder** (life sentence by statute, term of years for juvenile by MDOC policy)

**First Degree Murder** (life sentence by statute, term of years for juvenile by MDOC policy)

**Second Degree Murder** (life sentence by statute, term of years by MDOC policy)

**Trafficking**(10 years by statute, and entire sentence by MDOC policy)

**Aggravated Trafficking** (25 years by statute, and entire sentence by MDOC policy)

# **Limits on Total Reductions**

## **Miss. Code Ann. § 47-7-3.2(1)**

For criminal offenses committed on or after 7/1/14, a person may not be released until they have served:

- (1) 25% or 10 years, whichever is less, for nonviolent crimes.
- (2) 60% or 25 years, whichever is less, for armed robbery, car-jacking, and drive-by shooting.
- (3) 50% or 20 years, which is less, for other violent crimes.

# Possible Release Dates

- **Max Discharge Date** (Every day of sentence served)
- **Parole Eligibility Date** (Discretionary. Earliest possible release date.)
- **ERS Date** (Discretionary. Max Discharge date minus 15% of sentence and Trusty Time & MET.)
- **Tentative Release Date** (Mandatory. Max Discharge date minus Trusty Time & MET)

# Client Advice

- You have no obligation to advise your client regarding eligibility for parole, ERS, Trusty Time, or MET.

**-BUT-**

- If you **affirmatively misadvise** your client regarding eligibility for parole, ERS, Trusty Time, or MET—and it is not corrected by the court—it is an involuntary plea. *See, e.g., Ulmer v. State*, 292 So.3d 611 (Miss. Ct. App. 2020).

**When in doubt**  
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## 2025 Fall OSPD & MPDA Public Defender Conference

Session Nine:  
Parole, ERS, Trusty Time & MET

Thursday, October 23, 2025  
3:50- 4:50 p.m.

Jake Howard

