

supra, the sentencing court in Ohio must definitely state that the sentence or sentences are to be concurrent, if it is intended that the sentences should be served concurrently.

Terms of imprisonment that run concurrently do not lose their identity of being separate sentences. In *re* *Sichofsky*, 201 Calif. 360. The fact that sentences are to run concurrently merely means that the prisoner is given the privilege of serving each day a portion of each sentence.

The only practical effect of serving sentences concurrently is that the prisoner is discharged at the expiration of the maximum term of imprisonment imposed upon any one of the several sentences, providing the sentences are all for an equal period of imprisonment. If, however, the several sentences are for different terms of imprisonment, the prisoner cannot be discharged until he has served the longest sentence. *Fortson vs. Elbert County*, 43 S. E. 492 (Ga.); *Aderhold vs. McCarthy*, 65 Fed. (2d Ed.) 452; and *Nishimoto vs. Nagle*, 44 Fed. (2d Ed.) 304. The second paragraph of the headnotes of the latter case reads as follows:

“Where sentence upon separate counts in indictment is different, accused cannot be discharged until he has served longest sentence.”

In view of the authorities cited, it is apparent that where a prisoner is serving several sentences which are for different periods of imprisonment and which run concurrently, the prisoner is not entitled to be released on the expiration of the shortest term but can be incarcerated until the expiration of the longest term.

It is therefore my opinion, specifically answering your inquiry, that where a prisoner convicted of a crime while at large on parole is sentenced for a term of imprisonment which is to run concurrently with the unexpired term of his first sentence, such person may be incarcerated until the maximum term of the second sentence expires, even though such term of imprisonment is beyond the maximum term of the first sentence.

Respectfully,

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APPROVAL, NOTES OF BOARDMAN RURAL SCHOOL DISTRICT,
MAHONING COUNTY, OHIO—\$23,500.00.

COLUMBUS, OHIO, May 29, 1934.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.