

Days, Months and Years. Altering judgment durations by exploiting an inequity in month calculation

Introduction – Part A – Month Sentencing

A month is a non-standard unit of measurement. Under Australian Law, 1 month from January 29 is 31 days, and 1 Month from February 28 is 28 days. Although small, this inequity can be controlled by practitioners, meaning its exploitation will result in measurably better outcomes on identical sentences. This article examines the above mathematical relationships and how they relate to sentencing.

At present – two sentences are considered identical if the words relating to punishment are identical. If two prisoners are sentenced to ‘one month’ they have received the same sentence.

This view is flawed as not all months are equal. A 1 month sentence from January 29 is 31 days – including February 1-28, whilst a 1 month sentence on February 1 is only 28 days, February 1-28. In this example, not only does the January sentence last 3 more days – it covers the same days as the February sentence – just with extra, This concept further applies to longer sentences.

Fair or not – this is exploitable. In its simplest form, if a defendant is in pre-sentence custody, they can receive a 3 day shorter sentence by adjourning that January matter to Februaryⁱ. This inequity has held for over 500 years of English and Australian Jurisprudence and shows no immediate signs of correction. As such, practitioners ought seek the shortest possible sentences for their clientsⁱⁱ.

History and Caselaw

The Gregorian Calendar was instituted by Pope Gregory XIII in 1582ⁱⁱⁱ. The argument of how to measure time periods predates this, staying largely unaltered for the last six centuries^{iv}. In Australian legislation, a month is defined by a calendar month,^v which in turn is defined as *ending immediately before the start of the corresponding day of the next calendar month, or if that day does not exist, at the end of the next calendar month,*^{vi} with the turning of a day occurring in an instant^{vii}. The courts

typically do not take into account fractions of a day,^{viii} meaning days are calculated at the beginning and end of a day (as varies due to local time-zones)^{ix}.

Related to measurement is the principle of parity – or equal justice and equality before the law. This also traces back to the 16th century^x and is fundamental to a fair criminal justice system,^{xi} with some scholars considering it part of the rule of law^{xii}. It has been contemporaneously described by the High Court as requiring identity of outcome in cases that are relevantly identical^{xiii} and as demanding reasonable consistency with like being treated as like^{xiv}.

Analysis

Plainly, two defendants receiving different custodial periods for the same sentence is undesirable. Moreso, by controlling the sentence date – a solicitor can alter the actual length of a sentence. There are three takeaways from this

- What is the best theoretical date to plead guilty
- What is the best actual date to plead guilty.
- Can this be used in non-criminal disciplines

What is the best theoretical date to plead guilty

A sentence can be up to four days apart from an identical sentence. This is best observed using a 1 month, and one year 1 month example. A one month sentence can be 28-31 days dependant on whether February is included. A year is 365 or 366 days dependant on if it's a leap year. So a leap year + March will be 366+31 (397) and a non-leap year + February will be 365+28 (393). This is a 4 day difference. On sentences less than 1 year 1 month, the largest possible difference is 3 days.

The best theoretical position for a defendant will always be at the +0 mark. This requires a non-leap year sentence that runs through February, in addition to some other factors. There are two easy ways to calculate this. The first is with a list of instructions and a lookup table (see appendix 1). The second is allowing a computer to do it (see app).

What is the best actual date to plead guilty

If bail is granted, one can always minimize their sentence by adjourning. If not, the pre-sentence custody can exceed any gains made by adjourning. For example, there's no value in adjourning a 2 month sentence for 3 months if the defendant is in custody.

The best actual date is the point where the sentence is shortest, and remains beneath the pre-sentence custody the defendant has served.

Does this apply to other legal disciplines

Although pre-sentence custody is part of the criminal justice system, the calculation of months remains across all systems. The tools created here for the criminal law can be used for non-criminal applications, for example, a contract in months can be extended three days by starting it on March 1 instead of February 28. As such, the same lookup tables and applications mentioned earlier can be used for civil practice.

Implications

Should this be allowable

The notion of fairness in legal sentencing is not only a legal requirement but also a societal expectation^{xv}. Procedural fairness facilitates societal acceptance of laws^{xvi}, its absence erodes trust^{xvii}. Research in the field of sociology and law emphasizes the significant role that perceived fairness plays in maintaining public trust in the justice system^{xviii}.

This inequity does not appear fair and is easily correctible. Converting sentences into a uniform unit of measurement, or using a uniform measure when sentencing in months would also eliminate this disparity. There are many mechanisms with which this could be achieved, and it could occur by statute or by case law in the application of the parity principle. Critically, it is the judgement in months from an arbitrary start point that causes the inequity, affixing the start point, the length of each month (when counted at law) or counting in days all would alleviate the inequity, and sentences could be minimized, averaged or maximised dependant on the intent of the implementor.

Although the inequity will occur on shorter and longer sentences, it has a larger relative impact on a short sentence, 3 additional days of 30 is a greater proportion than 3 of 300. As such, this

disproportionately disadvantages defendants in the inferior courts, subject to shorter sentences. Furthermore, with a shorter potential sentence, a defendant's ability to control the start date is reduced, if bail is refused there's no point adjourning four months to remove a couple of days from a three month sentence.

Conclusion

This article demonstrates that it is possible and in many cases trivial to alter the duration of a judgement by adjusting the start date. It is the authors hope that this brings the light an inequity that has become ingrained within the justice system. If not rectified, solicitors should be exploiting this.

Appendix 1 – Lookup Table

Instructions:

Select the duration of the sentence if 12 months or less. If more, select the duration of the sentence in months, once the years have been excluded (X mod(12))

For every 4 years (starting at 4 years) – reduce the +X by 1

For every additional year, add +0 for regular years, +1 for leap years

Years are counted from the end of February. E.g. 1 year from March 2020 is not considered a leap year as it passes through February 2021.

1 Year from January 2020 is considered a leap year as it passes through February 2020.

If sentencing from an earlier date – start at that date

If counting presentence custody from current date – start at current date

If checking absolute position: if bail is refused only check entries where PSC < Sentence (e.g. A 2 month sentence from July would only check July and August as in March there would be 3 months PSC which is greater than the potential sentence).

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(L) = Leap

(+X) = additional days compared to the shortest possible month (e.g. 1 month in Feb is 28 days (+0) but 1 month in March is 31 days (+1))

1 Month Sentence				
Starting Month	1st-28th of Month	29th	30th	31st
Jan	31 Days(+3)	31 Days(+3)	30 Days(+2) (L) 31 Days(+3)	29 Days(+1) (L) 30 Days(+2)
Feb	28 Days(+0) (L) 29 Days(+1)	(L) 29 Days(+1)	-	-
Mar	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)
Apr	30 Days(+2)	30 Days(+2)	30 Days(+2)	-
May	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)
Jun	30 Days(+2)	30 Days(+2)	30 Days(+2)	-
Jul	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)
Aug	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)

Sep	30 Days(+2)	30 Days(+2)	30 Days(+2)	-
Oct	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)
Nov	30 Days(+2)	30 Days(+2)	30 Days(+2)	-
Dec	31 Days(+3)	31 Days(+3)	31 Days(+3)	31 Days(+3)

2 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	59 Days(+0) (L) 60 Days(+1)	59 Days(+0) (L) 60 Days(+1)	59 Days(+0) (L) 60 Days(+1)	59 Days(+0) (L) 60 Days(+1)
Feb	59 Days(+0) (L) 60 Days(+1)	(L) 60 Days(+1)	-	-
Mar	61 Days(+2)	61 Days(+2)	61 Days(+2)	61 Days(+2)
Apr	61 Days(+2)	61 Days(+2)	61 Days(+2)	-
May	61 Days(+2)	61 Days(+2)	61 Days(+2)	61 Days(+2)
Jun	61 Days(+2)	61 Days(+2)	61 Days(+2)	-
Jul	62 Days(+3)	62 Days(+3)	62 Days(+3)	62 Days(+3)
Aug	61 Days(+2)	61 Days(+2)	61 Days(+2)	61 Days(+2)
Sep	61 Days(+2)	61 Days(+2)	61 Days(+2)	-
Oct	61 Days(+2)	61 Days(+2)	61 Days(+2)	61 Days(+2)
Nov	61 Days(+2)	61 Days(+2)	61 Days(+2)	-
Dec	62 Days(+3)	62 Days(+3)	61 Days(+2) (L) 62 Days(+3)	60 Days(+1) (L) 61 Days(+2)

3 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	90 Days(+1) (L) 91 Days(+2)	90 Days(+1) (L) 91 Days(+2)	90 Days(+1) (L) 91 Days(+2)	89 Days(+0) (L) 90 Days(+1)
Feb	89 Days(+0) (L) 90 Days(+1)	(L) 90 Days(+1)	-	-
Mar	92 Days(+3)	92 Days(+3)	92 Days(+3)	92 Days(+3)
Apr	91 Days(+2)	91 Days(+2)	91 Days(+2)	-
May	92 Days(+3)	92 Days(+3)	92 Days(+3)	92 Days(+3)
Jun	92 Days(+3)	92 Days(+3)	92 Days(+3)	-
Jul	92 Days(+3)	92 Days(+3)	92 Days(+3)	92 Days(+3)
Aug	92 Days(+3)	92 Days(+3)	92 Days(+3)	92 Days(+3)
Sep	91 Days(+2)	91 Days(+2)	91 Days(+2)	-
Oct	92 Days(+3)	92 Days(+3)	92 Days(+3)	92 Days(+3)
Nov	92 Days(+3)	92 Days(+3)	91 Days(+2) (L) 92 Days(+3)	-
Dec	90 Days(+1) (L) 91 Days(+2)	90 Days(+1) (L) 91 Days(+2)	90 Days(+1) (L) 91 Days(+2)	90 Days(+1) (L) 91 Days(+2)

4 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	120 Days(+0) (L) 121 Days(+1)	120 Days(+0) (L) 121 Days(+1)	120 Days(+0) (L) 121 Days(+1)	120 Days(+0) (L) 121 Days(+1)
Feb	120 Days(+0) (L) 121 Days(+1)	(L) 121 Days(+1)	-	-
Mar	122 Days(+2)	122 Days(+2)	122 Days(+2)	122 Days(+2)

Apr	122 Days(+2)	122 Days(+2)	122 Days(+2)	-
May	123 Days(+3)	123 Days(+3)	123 Days(+3)	123 Days(+3)
Jun	122 Days(+2)	122 Days(+2)	122 Days(+2)	-
Jul	123 Days(+3)	123 Days(+3)	123 Days(+3)	123 Days(+3)
Aug	122 Days(+2)	122 Days(+2)	122 Days(+2)	122 Days(+2)
Sep	122 Days(+2)	122 Days(+2)	122 Days(+2)	-
Oct	123 Days(+3)	123 Days(+3)	122 Days(+2) (L) 123 Days(+3)	121 Days(+1) (L) 122 Days(+2)
Nov	120 Days(+0) (L) 121 Days(+1)	120 Days(+0) (L) 121 Days(+1)	120 Days(+0) (L) 121 Days(+1)	-
Dec	121 Days(+1) (L) 122 Days(+2)	121 Days(+1) (L) 122 Days(+2)	121 Days(+1) (L) 122 Days(+2)	120 Days(+0) (L) 121 Days(+1)

5 Month Sentence				
Starting Month	1st-28th of Month	29th	30th	31st
Jan	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	150 Days(+0) (L) 151 Days(+1)
Feb	150 Days(+0) (L) 151 Days(+1)	(L) 151 Days(+1)	-	-
Mar	153 Days(+3)	153 Days(+3)	153 Days(+3)	153 Days(+3)
Apr	153 Days(+3)	153 Days(+3)	153 Days(+3)	-
May	153 Days(+3)	153 Days(+3)	153 Days(+3)	153 Days(+3)
Jun	153 Days(+3)	153 Days(+3)	153 Days(+3)	-
Jul	153 Days(+3)	153 Days(+3)	153 Days(+3)	153 Days(+3)
Aug	153 Days(+3)	153 Days(+3)	153 Days(+3)	153 Days(+3)
Sep	153 Days(+3)	153 Days(+3)	152 Days(+2) (L) 153 Days(+3)	-
Oct	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)
Nov	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	-
Dec	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)	151 Days(+1) (L) 152 Days(+2)

6 Month Sentence				
Starting Month	1st-28th of Month	29th	30th	31st
Jan	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)
Feb	181 Days(+0) (L) 182 Days(+1)	(L) 182 Days(+1)	-	-
Mar	184 Days(+3)	184 Days(+3)	184 Days(+3)	184 Days(+3)
Apr	183 Days(+2)	183 Days(+2)	183 Days(+2)	-
May	184 Days(+3)	184 Days(+3)	184 Days(+3)	184 Days(+3)
Jun	183 Days(+2)	183 Days(+2)	183 Days(+2)	-
Jul	184 Days(+3)	184 Days(+3)	184 Days(+3)	184 Days(+3)
Aug	184 Days(+3)	184 Days(+3)	183 Days(+2) (L) 184 Days(+3)	182 Days(+1) (L) 183 Days(+2)
Sep	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	-
Oct	182 Days(+1) (L) 183 Days(+2)	182 Days(+1) (L) 183 Days(+2)	182 Days(+1) (L) 183 Days(+2)	181 Days(+0) (L) 182 Days(+1)
Nov	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	181 Days(+0) (L) 182 Days(+1)	-
Dec	182 Days(+1) (L) 183 Days(+2)	182 Days(+1) (L) 183 Days(+2)	182 Days(+1) (L) 183 Days(+2)	181 Days(+0) (L) 182 Days(+1)

7 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)
Feb	212 Days(+0) (L) 213 Days(+1)	(L) 213 Days(+1)	-	-
Mar	214 Days(+2)	214 Days(+2)	214 Days(+2)	214 Days(+2)
Apr	214 Days(+2)	214 Days(+2)	214 Days(+2)	-
May	214 Days(+2)	214 Days(+2)	214 Days(+2)	214 Days(+2)
Jun	214 Days(+2)	214 Days(+2)	214 Days(+2)	-
Jul	215 Days(+3)	215 Days(+3)	214 Days(+2) (L) 215 Days(+3)	213 Days(+1) (L) 214 Days(+2)
Aug	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)
Sep	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	-
Oct	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)
Nov	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	-
Dec	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)	212 Days(+0) (L) 213 Days(+1)

8 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	242 Days(+0) (L) 243 Days(+1)
Feb	242 Days(+0) (L) 243 Days(+1)	(L) 243 Days(+1)	-	-
Mar	245 Days(+3)	245 Days(+3)	245 Days(+3)	245 Days(+3)
Apr	244 Days(+2)	244 Days(+2)	244 Days(+2)	-
May	245 Days(+3)	245 Days(+3)	245 Days(+3)	245 Days(+3)
Jun	245 Days(+3)	245 Days(+3)	244 Days(+2) (L) 245 Days(+3)	-
Jul	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)
Aug	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	242 Days(+0) (L) 243 Days(+1)
Sep	242 Days(+0) (L) 243 Days(+1)	242 Days(+0) (L) 243 Days(+1)	242 Days(+0) (L) 243 Days(+1)	-
Oct	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	242 Days(+0) (L) 243 Days(+1)
Nov	242 Days(+0) (L) 243 Days(+1)	242 Days(+0) (L) 243 Days(+1)	242 Days(+0) (L) 243 Days(+1)	-
Dec	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)	243 Days(+1) (L) 244 Days(+2)

9 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)
Feb	273 Days(+0) (L) 274 Days(+1)	(L) 274 Days(+1)	-	-
Mar	275 Days(+2)	275 Days(+2)	275 Days(+2)	275 Days(+2)
Apr	275 Days(+2)	275 Days(+2)	275 Days(+2)	-

May	276 Days(+3)	276 Days(+3)	275 Days(+2) (L) 276 Days(+3)	274 Days(+1) (L) 275 Days(+2)
Jun	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	-
Jul	274 Days(+1) (L) 275 Days(+2)	274 Days(+1) (L) 275 Days(+2)	274 Days(+1) (L) 275 Days(+2)	273 Days(+0) (L) 274 Days(+1)
Aug	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)
Sep	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	-
Oct	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)
Nov	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	273 Days(+0) (L) 274 Days(+1)	-
Dec	274 Days(+1) (L) 275 Days(+2)	274 Days(+1) (L) 275 Days(+2)	274 Days(+1) (L) 275 Days(+2)	273 Days(+0) (L) 274 Days(+1)

10 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	303 Days(+0) (L) 304 Days(+1)
Feb	303 Days(+0) (L) 304 Days(+1)	(L) 304 Days(+1)	-	-
Mar	306 Days(+3)	306 Days(+3)	306 Days(+3)	306 Days(+3)
Apr	306 Days(+3)	306 Days(+3)	305 Days(+2) (L) 306 Days(+3)	-
May	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)
Jun	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	-
Jul	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)
Aug	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	303 Days(+0) (L) 304 Days(+1)
Sep	303 Days(+0) (L) 304 Days(+1)	303 Days(+0) (L) 304 Days(+1)	303 Days(+0) (L) 304 Days(+1)	-
Oct	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)
Nov	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	-
Dec	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)	304 Days(+1) (L) 305 Days(+2)

11 Month Sentence

Starting Month	1st-28th of Month	29th	30th	31st
Jan	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)
Feb	334 Days(+0) (L) 335 Days(+1)	(L) 335 Days(+1)	-	-
Mar	337 Days(+3)	337 Days(+3)	336 Days(+2) (L) 337 Days(+3)	335 Days(+1) (L) 336 Days(+2)
Apr	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	-
May	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	334 Days(+0) (L) 335 Days(+1)
Jun	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	-
Jul	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	334 Days(+0) (L) 335 Days(+1)
Aug	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)
Sep	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	-

Oct	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	334 Days(+0) (L) 335 Days(+1)
Nov	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	334 Days(+0) (L) 335 Days(+1)	-
Dec	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	335 Days(+1) (L) 336 Days(+2)	334 Days(+0) (L) 335 Days(+1)

12 Month Sentence				
Starting Month	1st-28th of Month	29th	30th	31st
Jan	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Feb	365 Days(+0)	(L) 366 Days(+1)	-	-
Mar	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Apr	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	-
May	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Jun	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	-
Jul	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Aug	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Sep	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	-
Oct	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)
Nov	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	-
Dec	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)	365 Days(+0) (L) 366 Days(+1)

ⁱ If the start date is counted from the sentence date.

ⁱⁱ This concept also applies to civil law and contract duration, however in those cases the inverse may apply and a practitioner will seek the longest possible period.

ⁱⁱⁱ Pope Gregory XIII. "Inter Gravissimas." Apostolic Constitution, February 24, 1582. Vatican.

^{iv} Hales v. Petit (1563) 1 Plowden, at p 258 ([75 ER, at p 395](#)) . (at p278), ^{iv} E.g. ACTS INTERPRETATION ACT 1901 2G (CTH), Interpretation Act 1987 no 15 (NSW) dictionary, INTERPRETATION ACT 1984 (WA) 62(2), Legislation Act 1984 6b (Vic), Acts Interpretation Act 1954 Schedule 1 (QLD).

Prowse v McIntyre 1961, Kitto J, [6]

^v E.g. ACTS INTERPRETATION ACT 1901 2G (CTH), Interpretation Act 1987 no 15 (NSW) dictionary, INTERPRETATION ACT 1984 (WA) 62(2), Legislation Act 1984 6b (Vic), Acts Interpretation Act 1954 Schedule 1 (QLD).

^{vi} E.g. ACTS INTERPRETATION ACT 1901 2G (CTH), Interpretation Act 1987 no 15 (NSW) dictionary, INTERPRETATION ACT 1984 (WA) 62(2), Legislation Act 1984 6b (Vic), Acts Interpretation Act 1954 Schedule 1 (QLD).

^{vii} Prowse v McIntyre 1961, Kitto J, [6]

^{viii} Prowse v McIntyre (1961) 111 CLR 264 at 280 Windeyer J

^{ix} Curtis v. March (1858) 3 H & N 866 ([157 ER 719](#))

^x A norm said to be traceable to Solon's "isonomia" transported to England in the 16th century as "isonomy" and displaced in the 17th century by "equality before the law", "government of laws" and "rule of law": Hayek, *The Constitution of Liberty: The Definitive Edition*, (2011) at 238.

^{xi} Lowe v The Queen (1984) HCA 46; 154 CLR 606.

^{xii} Dicey, *Introduction to the Study of the Law of the Constitution*, 7th ed (1908) at 198; Holdsworth, *A History of English Law*, (1938), vol X at 649, Lauterpacht, *An International Bill of the Rights of Man*, (1945) at 115.

^{xiii} [Wong v The Queen](#) (2001) 207 CLR 584 at [608 \[65\]](#); [\[2001\] HCA 64](#).

^{xiv} Green v The Queen (2011) 244 CLR 462, at [28]

^{xv} MacCoun, R. J. (2005). Voice, Control, and Belonging: The Double-Edged Sword of Procedural Fairness. *Annual Review of Law and Social Science*, 1, 171-201. Section: "The Psychology of Procedural Justice". [p176]

^{xvi} Bottoms, A., & Tankebe, J. (2012). 'Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice', *The Journal of Criminal Law and Criminology*, 102(1), pp. 119-170.

^{xvii} Why Do People Comply with the Law? Legitimacy and the Influence of Legal Institutions, February 2012, *British Journal of Criminology* 52(6):1051-1071 pp3

^{xviii} Vicky Heap, Alex Black, Zoe Rodgers, Procedural justice and process-based models: Understanding how practitioners utilise Community Protection Notices to regulate anti-social behaviour, *Criminology & Criminal Justice*, 10.1177/17488958221151113, (174889582211511), (2023) [p22], Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. Plenum Press [p8],