

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICK CONNELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45670

FILED

OCT 24 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER AFFIRMING IN PART, VACATING IN PART AND
REMANDING

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of robbery with the use of a firearm. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant to a prison term of 24 to 60 months, with an equal and consecutive term for the use of a firearm.

Appellant's sole contention on appeal is that the district court erred in awarding credit for time served. The State concedes that the district court's award of credit for three days is incorrect. Both appellant and the State agree that this matter should be remanded for a determination as to what credit should be granted.

Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART
AND VACATED IN PART AND REMAND this matter to the district court
for proceedings consistent with this order.

Douglas, J.
Douglas

Rose, J.
Rose

Parraguirre, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk