

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY LANE STREET,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 51547

FILED

DEC 02 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted possession of a controlled substance for the purpose of sale. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge. The district court sentenced appellant Jeffrey Lane Street to serve a prison term of 19-48 months and granted him credit for 180 days time served.

Street contends that the district court erred by not awarding him sufficient credit for time served in presentence confinement. Specifically, Street claims that he is entitled to additional credit for the time he served in Utah after he was arrested there pursuant to the Nevada bench warrant for failing to appear at his arraignment in the instant case. We disagree.

A sentencing determination will not be disturbed on appeal absent an abuse of discretion by the district court.¹ NRS 176.055(1) states: "whenever a sentence of imprisonment . . . is imposed, the court

¹Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000).

may order that credit be allowed against the duration of the sentence . . . for the amount of time which the defendant has actually spent in confinement before conviction” In Nieto v. State, this court stated “that a defendant is entitled to credit for time served in presentence confinement in another jurisdiction when that confinement was solely pursuant to the charges for which he was ultimately convicted” in Nevada.²

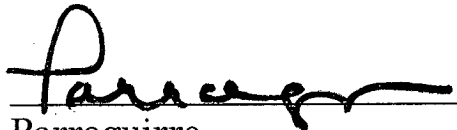
At his sentencing hearing, Street conceded that he was incarcerated in Utah on unrelated charges, despite being arrested pursuant to the Nevada warrant. Accordingly, the district court found that Street was only entitled to credit for time served in the instant case for the time served in Nevada because he was detained in Utah on unrelated charges. We agree and conclude that the district court did not err in its determination of the credit award.


²119 Nev. 229, 232, 70 P.3d 747, 748 (2003) (emphasis added).

Having considered Street's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. J. Michael Memeo, District Judge
Elko County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Elko County District Attorney
Elko County Clerk
Jeffrey Lane Street

³Because Street is represented by counsel in this matter, we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action on and shall not consider the proper person documents Street has submitted to this court in this matter.