

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH WILLIAM LAWVER,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 51703

JOSEPH WILLIAM LAWVER,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 51704

FILED

APR 15 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

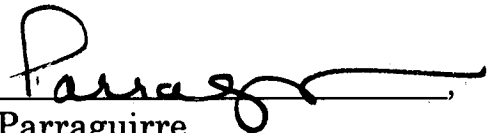
These are consolidated appeals from two judgments of conviction that were entered pursuant to guilty pleas in two district court cases. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge. In district court case number CR 07-0662, appellant Joseph William Lawver was convicted of one count of attempted sexual assault on a child and sentenced to a prison term of 72 to 180 months. In district court case number CR 07-0663, Lawver was convicted of one count of failure by a sex offender to notify law enforcement of a change of address and was sentenced to a prison term of 12 to 30 months, to be served concurrently with the sentence imposed in CR 07-0662. Lawver was given 546 days credit for time served in presentence confinement in CR 07-0662. He was given no credit for time served in CR 07-0663.

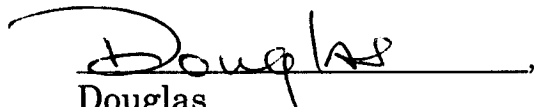
Lawver's sole contention on appeal is that the district court erred in ordering the credit for time served to be applied only to the sentence imposed in CR 07-0662. Relying primarily on Johnson v. State, 120 Nev. 296, 89 P.3d 669 (2004), Lawver argues that he is entitled to have the credit for time served in CR 07-0662 applied to the sentence imposed in CR 07-0663 because the sentences in each of the judgments of conviction were imposed to run concurrently with one another. We disagree.

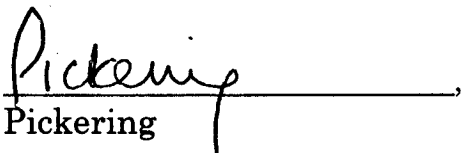
NRS 176.055(1) provides that credit "for the amount of time which the defendant has actually spent in confinement before [the] conviction" will be allowed against the duration of the sentence imposed, "unless [the] confinement was pursuant to a judgment of conviction for another offense." The presentence investigation report indicated that Lawver was entitled to 546 days of credit for time spent in confinement related to the charge of attempted sexual assault of a child in district court case number CR 07-0662. See NRS 176.135(2). Lawver waived a presentence investigation report in CR 07-0663, and the record does not reflect that he actually spent any time in confinement for failing to notify authorities of his change of address. Lawver's reliance on Johnson is misplaced as Johnson relates to concurrent sentences within a single judgment of conviction and not concurrent sentences between separate judgments of conviction. Accordingly, we conclude that Lawver is not entitled to any credit against his sentence in district court case number CR 07-0663.

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

ORDER the judgments of conviction AFFIRMED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk