

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY ARMAND STEPANIAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51960

**FILED**

DEC 05 2008

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for an amended judgment of conviction to include jail time credits. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

On February 15, 2008, the district court convicted appellant, pursuant to a guilty plea, of two counts of burglary. The district court sentenced appellant to serve two concurrent terms of 12 to 48 months in the Nevada State Prison. The district court further provided appellant with 61 days of credit for time served. No direct appeal was taken.

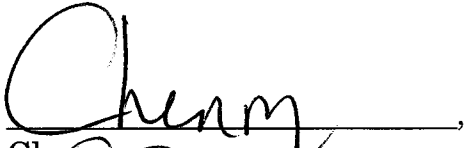
On May 20, 2008, appellant filed a proper person motion for an amended judgment of conviction to include jail time credit in the district court. On June 23, 2008, the district court denied appellant's motion. This appeal followed.

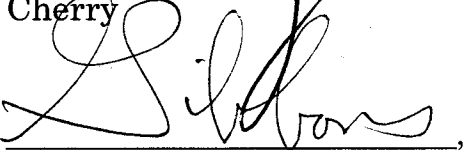
In his motion, appellant claimed that he should receive 200 days of credit for time served from August 20, 2007, through February 6, 2008. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the relief requested. Preliminarily, we note that appellant sought credit in the wrong vehicle; appellant should

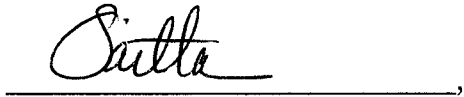
have filed a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Although appellant sought credit in the wrong vehicle, we conclude that the district court reached the correct result in denying the motion because appellant failed to demonstrate that he was entitled to the credit he sought. Appellant received credit for time served between June 5, 2007, and August 5, 2007. However, the remaining period of time he did not receive credit for because he was not actually confined, but rather under own recognizance release and house arrest. Own recognizance release and house arrest are not confinement within the meaning of NRS 176.055, and thus, a defendant is not entitled to credit for time spent on house arrest.<sup>2</sup> Accordingly, we affirm the order of the district court.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
Cherry, J.

  
Gibbons, J.

  
Saitta, J.

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<sup>1</sup>See Griffin v. State, 122 Nev. 737, 137 P.3d 1165 (2006).

<sup>2</sup>State v. Dist. Ct. (Jackson), 121 Nev. 413, 116 P.3d 834 (2005).

<sup>3</sup>Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Michelle Leavitt, District Judge  
Jeffrey Armand Stepanian  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk