

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLEEND MARTINEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53814

**FILED**

**JAN 07 2010**

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

ORDER OF AFFIRMANCE

This is an appeal from an amended judgment of conviction entered pursuant to a guilty plea of attempted grand larceny auto. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

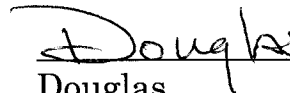
Martinez's sole contention on appeal is that the district court violated his constitutional equal protection and due process rights and his Nevada statutory rights by failing to award him 483 days of credit for time served in presentence confinement. See U.S. Const. amend. XIV; Nev. Const. art. 4 § 21; NRS 176.055(1); Kuykendall v. State, 112 Nev. 1285, 1286-87, 926 P.2d 781, 782-83 (1996) (failure to give credit for time served in presentence confinement is an equal protection violation). Relying primarily on Johnson v. State, 120 Nev. 296, 89 P.3d 669 (2004), Martinez argues that he is entitled to have the credit for time served in C216417 applied to the sentence imposed in this case because the sentence in this case was imposed to run concurrently with the sentence in C216417 and it was not his fault that he was not in custody in this case.

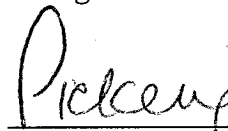
This claim lacks merit and Martinez is not entitled to additional presentence credit because his "confinement was pursuant to a judgment of conviction for another offense." NRA 176.055(1). Johnson

does not afford relief either as it addressed concurrent sentences imposed in a single judgment of conviction, not concurrent sentences imposed in separate judgments of conviction. Martinez has not demonstrated that he was entitled to more than the 237 days of presentence credit awarded by the district court. Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Jackie Glass, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk