

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN ROGER GAINES, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54380

**FILED**

JAN 07 2010

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

ORDER OF AFFIRMANCE

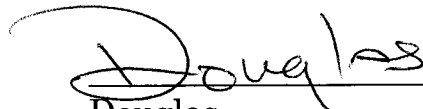
This is an appeal from a district court order partially granting appellant Glenn Gaines, Jr.'s, post-conviction petition for a writ of habeas corpus/motion to correct credit for time served. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

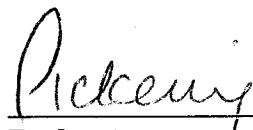
Gaines claims that the district court erred by refusing to grant credit for the time he served in a California prison and on parole from a California conviction—from April 4, 2001, to June 28, 2005—because there was a Nevada detainer attached to this case during a portion of that time period. Gaines acknowledges that in Prince v. State, 118 Nev. 634, 640, 55 P.3d 947, 950 (2002), this court determined that the Interstate Agreement on Detainers does not apply to a demand for an expeditious sentencing hearing. We decline Gaines' invitation to revisit our decision in Prince. The district court did not err by denying Gaines additional presentence credit for time served because the Agreement does not apply to sentencing hearings and Gaines was not actually confined pursuant to the judgment of conviction in this case for the time period between April 4, 2001, and June 28, 2005. NRS 176.055(1) (a defendant will be given credit for the amount of time actually spent in confinement before conviction, unless

confinement was pursuant to judgment of conviction for another offense).  
Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Connie J. Steinheimer, District Judge  
Karla K. Butko  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk