

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELE LEIGH GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55888

FILED

SEP 09 2010

TRACIE H. 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 burglary. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant Michele Leigh Garcia claims that the district court erred by failing to award her 35 days of presentence confinement credit for time served prior to imposition of a sentence in another case, 21 days of which she alleges were spent in confinement solely pursuant to the charges in the instant matter. A defendant is entitled to receive credit for all time spent in presentence confinement, unless the confinement was pursuant to a judgment of conviction for another offense. See NRS 176.055; Kuykendall v. State, 112 Nev. 1285, 1287, 926 P.2d 781, 783 (1996) (purpose of NRS 176.055 is to ensure that a defendant receives credit for all time served). The district court denied Garcia's request for credit at sentencing, stating that Garcia received the credit being sought in another case. Garcia has failed to demonstrate that she was not given the credit sought in her other case or that any of the credit being sought is for time spent in confinement solely pursuant to the charges in the instant case. See Pangallo v. State, 112 Nev. 1533, 1536, 930 P.2d 100, 102

(1996), overruled on other grounds by Griffin v. State, 122 Nev. 737, 137 P.3d 1165 (2006). Therefore, Garcia has failed to demonstrate that the district court erred by denying her request for presentence confinement credit, and we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Valerie Adair, District Judge
The Eighth District Court Clerk
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender