

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL HENRY MELTON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56955

**FILED**

**JUL 14 2011**

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


ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction entered pursuant to a guilty plea of failure to stop on the signal of a police officer and possession of a stolen vehicle. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

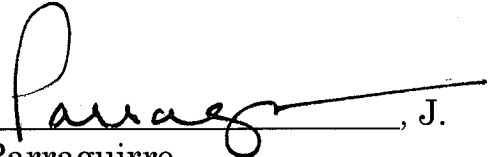
Appellant Paul Henry Melton contends that the district court abused its discretion by not awarding him credit for 387 days' time served. Melton claims that he was in custody on all counts and cases from August 10, 2009, until August 30, 2010, when he was sentenced in the instant case. Relying on Johnson v. State, 120 Nev. 296, 89 P.3d 669 (2004), Melton argues that he is entitled to credit for time served in this and two other cases because the sentences for all three cases were imposed to run concurrently. However, Melton's reliance on Johnson is misplaced because Johnson addresses concurrent sentences imposed in a single judgment of conviction and not concurrent sentences imposed in separate judgments of conviction. See id. at 297-98, 89 P.3d at 669-70. Moreover, a defendant is not entitled to presentence confinement credit when he is confined pursuant to a judgment of conviction in another case. NRS 176.055(1).

Accordingly, we conclude that Melton's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

  
Saitta, J.  
Saitta

  
Hardesty, J.  
Hardesty

  
Parraguirre, J.  
Parraguirre

cc: Hon. David B. Barker, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk