

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN ALLEN WARE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58286

FILED

APR 12 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *T. Thorne*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of three counts of possession of visual presentation depicting the sexual conduct of a person under sixteen years of age. First Judicial District Court, Carson City; James Todd Russell, Judge.

First, appellant Glenn Allen Ware contends that the district court erred by denying his motion for presentence credit for time spent in residential confinement. NRS 176.055(1) provides that “whenever a sentence of imprisonment . . . is imposed, the court may order that credit be allowed against the duration of the sentence . . . for the amount of time which the defendant has actually spent in confinement before conviction.” We have previously held “that house arrest does not constitute time ‘actually spent in confinement’ for which the duration of a sentence may be credited.” State v. Dist. Ct. (Jackson), 121 Nev. 413, 418-19, 116 P.3d 834, 837 (2005). We reject Ware’s assertion that Jackson does not apply to his case, and we conclude that the district court properly denied Ware’s motion for presentence credit for time spent in residential confinement.

Second, Ware contends that the district court erred by not crediting his sentence for time spent in jail after his arrest on a weapons

charge. Ware argues that because he was jailed for both the weapons case and this case he is entitled to have the time spent in jail credited against the sentences in both cases. The record reveals that Ware served 148 days in presentence confinement pursuant to charges in two separate cases, the weapons case and the instant case. He received credit for 148 days in his weapons case and therefore is not entitled to receive this credit in this case. See NRS 176.055(1) (defendant not entitled to credit for time spent in confinement “pursuant to a judgment of conviction for another offense”). Accordingly, Ware has not demonstrated that the district court erred in this regard.

Having considered Ware’s contentions and concluded that they are without merit, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. James Todd Russell, District Judge
Martin H. Wiener
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk