

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARVIN KINSEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59228

FILED

JUL 26 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER OF AFFIRMANCE

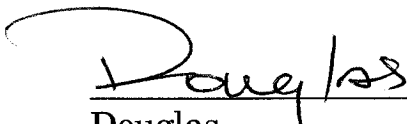
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony DUI. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.


Appellant Marvin Kinsel contends that the district court abused its discretion by denying his request for additional credit for time served in presentence confinement. “[D]espite its discretionary language, the purpose of NRS 176.055 is to ‘ensure that all time served is credited towards a defendant’s ultimate sentence.’” State v. Dist. Ct. (Jackson), 121 Nev. 413, 416, 116 P.3d 834, 836 (2005) (quoting Kuykendall v. State, 112 Nev. 1285, 1287, 926 P.2d 781, 783 (1996)); see also NRS 176.055(1). At the sentencing hearing, the district court determined that the State did not place a detainer on Kinsel while he was in federal custody in Utah and rejected his request for additional credit for time served in the foreign jurisdiction, stating, “it didn’t add to the amount of time that he did.” See generally Nieto v. State, 119 Nev. 229, 232, 70 P.3d 747, 748 (2003) (“[A] defendant is entitled to credit for time served in presentence confinement in another jurisdiction when that confinement was solely pursuant to the charges for which he was ultimately convicted” in Nevada. (emphasis added)). Kinsel fails to demonstrate that the district court abused its

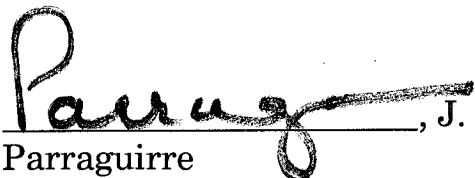
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discretion at sentencing. See Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000) (this court will not disturb a district court's sentencing determination absent an abuse of discretion). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Jerome T. Tao, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk