

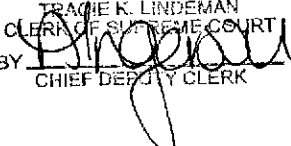
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FELIX L. SOTO,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN; AND THE  
STATE OF NEVADA,  
Respondents.

No. 67911

FILED

AUG 25 2015

TRACHE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

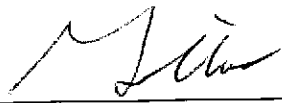
In his petition filed on August 20, 2014, appellant Felix Soto requested additional presentence credits for time he spent at a residential treatment facility while on probation. Under NRS 176.055(1), the district court may order credit for time “which the defendant has actually spent in confinement before conviction.” A defendant is entitled to credit only for confinement that “is tantamount to incarceration in a county jail.” *Grant v. State*, 99 Nev. 149, 151, 659 P.2d 878, 879 (1983).


---


<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Soto failed to demonstrate that his stay was tantamount to incarceration in a county jail. *Id.* Therefore, the district court did not err in denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Janet J. Berry, District Judge  
Felix L. Soto  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk