

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELIZABETH KATHERINE CAMPBELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68129

**FILED**

NOV 19 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER AFFIRMING IN PART, REVERSING IN PART AND  
REMANDING*

This is an appeal from an order revoking probation and reinstating the judgment of conviction. Fifth Judicial District Court, Nye County; Kimberly A. Wanker, Judge.


Appellant Elizabeth Campbell claims the district court erred when it failed to award presentence credits for time spent in jail as ordered as part of probation. As a condition of her probation, after having previously violated her probation, Campbell was ordered to serve 90 days' flat time in the county jail. When Campbell violated her probation for a second time, the district court revoked her probation, sentenced her to the underlying sentence of 12 to 32 months, and awarded her 41 days of presentence credit for time spent incarcerated prior to entry of the original judgment of conviction. The district court did not award her the 90 days of credit for time served as a condition of her probation. This was error. Campbell was entitled to credit for time spent in jail as a condition of her probation. *See Merna v. State*, 95 Nev. 144, 145, 591 P.2 252, 253 (1979). Accordingly, this portion of the district court's order is reversed and the case is remanded with instructions to credit Campbell with the 90 days she spent in jail as a condition of her probation.

Campbell also claims the district court erred when it failed to award presentence credits for the time she spent in jail prior to her two probation revocation hearings. She claims she is entitled to 50 days for the time spent in jail prior to her first revocation hearing and 73 days for the time spent incarcerated prior to her second revocation hearing. This claim lacks merit. Campbell is not entitled to credit for time spent in jail awaiting the revocation hearings. *See id.* Therefore, we affirm this portion of the district court's order.

Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

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

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

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

cc: Hon. Kimberly A. Wanker, District Judge  
David H. Neely, III  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk