

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMANDA TY KRAUSE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 68856

**FILED**

**FEB 17 2016**

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

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary, possession of document or personal identifying information to establish false status or identity, and conspiracy to commit burglary. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


Appellant Amanda Krause contends the district court erred at sentencing when granting credit for time served. Krause asserts that pursuant to the plea agreement, her sentence in this case was to run concurrently with the sentence imposed in district court case number C286124. Therefore, she claims that pursuant to *Johnson v. State*, 120 Nev. 296, 299, 89 P.3d 669, 671 (2004) she is entitled to 481 days of credit, instead of the 167 days of credit granted by the court. This claim lacks merit.


As Krause acknowledges, she was on probation in district court case number C286124 when she committed the instant offenses. Her probation was ultimately revoked in that case and she was ordered to serve the underlying sentence. Krause was paroled from her sentence in C286124 on September 24, 2014, and was dishonorably discharged in that

case on April 25, 2015. Krause was sentenced in the instant case on August 20, 2015. Pursuant to NRS 176.055(2)(b) Krause was not eligible for any credit in this case for any time she spent in confinement which was within the period of her sentence in C286124.

Even if NRS 176.055(2)(b) did not preclude the award of any additional credit, Krause was not entitled to additional credit and her reliance on *Johnson* is misplaced. First, we note that Krause discharged her sentence in C286124 before being sentenced in this case. Therefore, the sentence in this case could not have been, and was not, imposed to run concurrent with the sentence in C286124. Further, even if the sentences were imposed to run concurrently, unlike Krause's case, *Johnson* addressed concurrent sentences in a single judgment of conviction and not concurrent sentences imposed in separate judgments of conviction. See *Johnson*, 120 Nev. at 297-98, 89 P.3d 669-70. Krause would not have been entitled to any credit in this case for the time she served pursuant to her conviction in C286124. See NRS 176.055(1). Accordingly, we conclude Krause is not entitled to any additional credit, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Michael Villani, District Judge  
The Law Office of Stephen Reid, Esq.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk