

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN TODD THOMPSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69234

FILED

MAR 16 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of possession of a schedule I or schedule II controlled substance for the purpose of sale. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.


Appellant Steven Thompson contends the district court abused its discretion by denying him presentence credit for the time he served in an Idaho penal institution pending extradition to Nevada. This claim lacks merit.

This court will not disturb a district court's sentencing determination absent an abuse of discretion. *See Martinez v. State*, 114 Nev. 735, 737-38, 961 P.2d 143, 145 (1998). The record clearly demonstrates that, although Nevada lodged a warrant of arrest for him with the Idaho Department of Corrections, Thompson was incarcerated in Idaho pursuant to an Idaho judgment of conviction. Because Thompson's confinement in Idaho was not solely pursuant to the detainer lodged by Nevada, he was not entitled to any additional credit for time he spent incarcerated in Idaho. *See NRS 176.055(1); Nieto v. State*, 119 Nev. 229, 232, 70 P.3d 747, 748 (2003). Further, Thompson has failed to

demonstrate that he was entitled to the credit sought under the Due Process Clause of the United States Constitution. Accordingly, we conclude the district court did not abuse its discretion by denying Thompson credit for time spent incarcerated in Idaho, and we

ORDER the judgment of conviction AFFIRMED.

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

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

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

cc: Hon. Nancy L. Porter, District Judge  
Gary D. Woodbury  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk