

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM LEONARD SIMPSON, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 72865

**FILED**

JUN 13 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

William Leonard Simpson, Jr., appeals from a judgment of conviction entered pursuant to a guilty plea of establishing or possessing a financial forgery laboratory. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Simpson claims the district court abused its discretion at sentencing by not crediting his sentence in this case for time he spent in confinement for another offense. He specifically argues that he is entitled to a total of 721 days' credit for time served because the sentence in this case was expected to run concurrently with the sentence in district court case number C-14-303284-1. In support of his argument, he cites to *Johnson v. State*, 120 Nev. 296, 89 P.3d 669 (2004).


We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). NRS 176.055(1) allows a district court to credit a defendant's sentence "for the amount of time which the defendant has actually spent in confinement before conviction, *unless the defendant's confinement was pursuant to a judgment of conviction for another offense.*" (Emphasis added.) The plain


language of this statute limits the credit to time served pending sentencing in the instant conviction.

To the extent Simpson relies on *Johnson*, his reliance is misplaced. *Johnson* relates to concurrent sentences within a single judgment of conviction and not to concurrent sentences imposed in separate judgments of conviction. See 120 Nev. at 297-98, 89 P.3d at 669-70. We conclude the district court did not abuse its discretion at sentencing and Simpson was not entitled to credit for the time he spent in confinement pursuant to his judgment of conviction in district court case number C-14-303284-1. Therefore, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

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

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

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

cc: Hon. William D. Kephart, District Judge  
Law Office of John G. George  
William Leonard Simpson, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>We deny appellant's pro se motion requesting this court to compel his counsel to contact him.