

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOUGLAS PAUL BAKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74626

FILED

JUN 13 2018

ESTHER B. BROWN
CLERK OF THE COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Douglas Paul Baker appeals from a judgment of conviction entered pursuant to a guilty plea of uttering a forged instrument. First Judicial District Court, Carson City; James Todd Russell, Judge.


Baker claims the district court abused its discretion at sentencing by failing to award him credit for pretrial confinement. He argues he is entitled to 78-days' credit for the period between his arrest and sentencing in the instant case because his sentence was imposed to run concurrently with the sentence he was already serving in another case. 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 Baker 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 Baker was not entitled to credit for the time he spent in confinement pursuant to his judgment of conviction for the other offense. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk