

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES ARTHUR JONES,

No. 36950

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

JUN 05 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant's motion for credit for time served. Appellant was convicted, pursuant to a guilty plea, of attempted grand larceny and sentenced to a prison term of 13 to 60 months.

Appellant's sole contention is that the district court erred in refusing to grant him credit for time that he served in jail while on a fugitive hold for a parole violation in California. Particularly, appellant contends that he was entitled to credit for the time served on two different occasions: (1) March 10, 1998-July 3, 1998; and (2) February 2, 1999-October 7, 1999. On both of these occasions, appellant was released on the Nevada larceny charge, and immediately thereafter, rebooked into jail for a parole violation in California. Although he waived extradition, appellant remained in custody in Nevada for months waiting for California to extradite him. According to appellant's counsel, California would not extradite appellant because he had not yet resolved charges pending against him in the Nevada case.


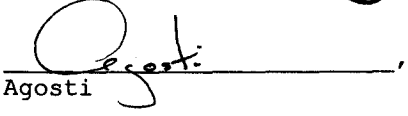
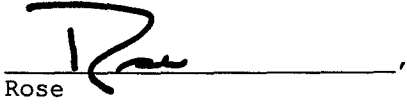
At a hearing on this issue, counsel for appellant argued that equity demanded that appellant receive credit for time served on the fugitive hold toward his Nevada sentence

because he should have been booked back in on the grand larceny charge since he could not "go anywhere anyway" due to his fugitive status. In contrast, the State argued that appellant should not get credit for time served on the fugitive hold toward his Nevada sentence because he might get credit toward his California sentence for this same time served, and thus receive "double credit."

We conclude that the district court properly denied appellant credit for time served while he was on a fugitive hold for a California parole violation because NRS 176.055(2) prohibits such credit. "NRS 176.055 expressly exempts credit for time served 'pursuant to a judgement of conviction for another offense.'"¹ Therefore, appellant may not receive credit toward his Nevada sentence for time served for a parole violation in California because the incarceration resulted from a separate and unrelated offense.

Having considered appellant's contention and concluded that it lacks merit, we

ORDER the judgment of the district court AFFIRMED.


Shearing J.

Agosti J.

Rose J.

¹McMichael v. State, 94 Nev. 184, 193, 577 P.2d 398, 404 (1978) (citing Dearing v. State, 90 Nev. 297, 298, 525 P.2d 601, 601 (1974)), overruled on other grounds by Meador v. State, 101 Nev. 765, 711 P.2d 852 (1985); see also 96-14 Op. Att'y Gen. 90, 92 (1996) (NRS 176.055(2) "makes it clear that a person is not entitled to credit for confinement which resulted from an unrelated offense.")

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
Robert L. Langford & Associates
Clark County Clerk