

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH WENDELL NELSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75738-COA

FILED

MAY 15 2019

FILED BY BETH A. BROWN  
CLERK OF APPEALS COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*


Joseph Wendell Nelson appeals from a judgment of conviction, entered pursuant to a guilty plea, of sale of a controlled substance. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

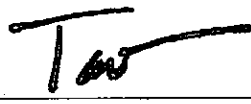
Nelson argues the district court abused its discretion by failing to award him work and good time credits he earned while in jail prior to being sentenced. He claims NRS 211.320(1) allows 5 days of credits a month for being "obedient, orderly, and faithful" and for 10 days of credits a month for working. Because he worked as a trustee and was obedient, orderly, and faithful, Nelson asserts he was entitled to an additional 102 days of presentence credit.

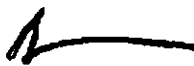
This claim lacks merit. The district court correctly determined NRS 211.320(1) did not apply to Nelson because that statute only applies to persons who are sentenced to a term of imprisonment in a local detention facility. Nelson was sentenced to a term of imprisonment in a prison. Nelson correctly received 231 credits for time actually spent in confinement

before his conviction. See NRS 176.055(1). Accordingly, the district court did not err by denying Nelson's claim for additional credits, and we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Michael Montero, District Judge  
Humboldt County Public Defender  
Attorney General/Carson City  
Humboldt County District Attorney  
Humboldt County Clerk