

IN THE SUPREME COURT OF THE STATE OF NEVADA

LONNY LEE LOVINS,

No. 37255

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

APR 10 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court revoking appellant's probation. Appellant was originally convicted, pursuant to a guilty plea, of one count of possession of a controlled substance. The district court sentenced appellant to a prison term of 12 to 48 months, and suspended the sentence, placing appellant on probation for period not to exceed 3 years. Approximately 8 months after being placed on probation, appellant violated his probation and the district court reinstated him on probation with the added condition that he serve 60 days on house arrest. Shortly after completing his house arrest, appellant again violated his probation and the district court revoked his probation and imposed the original sentence.

Appellant contends that the district court erred by refusing to grant appellant good time credit for the period he spent on house arrest. Although NRS 209.446(1)(b) provides for good time credits for periods of time spent in residential confinement, "residential confinement," as defined in NRS 209.432(2), does not apply to house arrest as a condition of probation. There is no statutory provision allowing for

statutory good time credit under the facts in the instant case.¹

Having considered appellant's contention and concluded it is without merit, we

ORDER the judgment of the district court AFFIRMED.

Young, J.
Young

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

¹See generally 96-14 Op. Att'y Gen. 70, 70-72 (1996).