

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY TROUGHTON,

No. 37315

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

DEC 05 2001

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion for jail time credits.

On October 21, 1999, the district court convicted appellant, pursuant to a jury verdict, of one count of unlawful use or being under the influence of a controlled substance. The district court sentenced appellant to serve 12 to 48 months in the Nevada State Prison to be served consecutively to the sentence imposed in another district court case. This court affirmed appellant's conviction and sentence.<sup>1</sup>

On February 29, 2000, appellant filed a proper person motion for jail time credits. On December 20, 2000, the district court denied appellant's motion. This appeal followed.

In his motion, appellant contended that he was entitled to 189 days of jail time credit for time spent in custody from April 1999 to October 1999.

NRS 176.055(2)(b) provides that a defendant convicted of a subsequent offense which was committed while he was on "probation or parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time he has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked." Appellant was on parole from a prior conviction at the time he committed the instant

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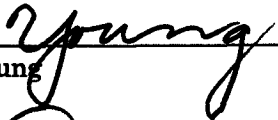
<sup>1</sup>Troughton v. State, Docket No. 35031 (Order of Affirmance, October 2, 2000).


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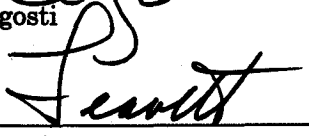
offense. Therefore, appellant failed to demonstrate he was entitled to any credit, and the district court did not err in denying his motion.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
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Young J.

  
\_\_\_\_\_  
Agosti J.

  
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Leavitt J.

cc: Hon. Archie E. Blake, District Judge  
Attorney General/Carson City  
Churchill County District Attorney  
Barry Troughton  
Churchill County Clerk

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<sup>2</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).