

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELLIOTT SCOTT GRIZZLE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79762-COA

**FILED**

AUG 10 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Elliott Scott Grizzle appeals from an amended judgment of conviction entered pursuant to a guilty plea of establishing or possessing a financial forgery laboratory and ownership or possession of a firearm by a prohibited person. Eighth Judicial District Court, Clark County; David M. Jones, Judge.

Grizzle claims that the district court erred by refusing to grant him an additional 1,002 days of presentence credit for time he spent in the custody of the state of California. Grizzle contends Nevada could have expedited the prosecution of this offense and, in light of the delay in transferring him from California to Nevada for this offense, he should be awarded presentence credit for time he was in the custody of California. While Grizzle argued that the State could have filed charges and sought to extradite him sooner, he did not demonstrate the State was obligated to do so.


Further, Grizzle did not demonstrate he was entitled to additional presentence credit. We review a district court's sentencing decision for an abuse of discretion. *See Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987). "[A] defendant is entitled to credit for time

served in presentence confinement in another jurisdiction when that confinement was solely pursuant to the charges for which he was ultimately convicted." *Nieto v. State*, 119 Nev. 229, 232, 70 P.3d 747, 748 (2003).

The district court found Grizzle was in custody in California due to California criminal charges and not solely due to the Nevada charges. The district court further found that Grizzle was in custody solely pursuant to the Nevada charges for 173 days and he was therefore only entitled to 173 days of presentence credit. The record supports the district court's findings. Therefore, Grizzle is not entitled to any additional presentence credit for time spent in the custody of the State of California. *See id.* Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.

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

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

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

cc: Hon. David M. Jones, District Judge  
Special Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk