

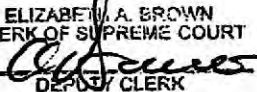
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA OWEN BENEDICTUS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 81770-COA

FILED

MAY 20 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Joshua Owen Benedictus appeals from a judgment of conviction entered pursuant to a guilty plea of driving under the influence with one or more prior felony convictions. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

Benedictus argues the district court erred by refusing to award him additional presentence credits for time he spent in custody in Idaho. Following the commission of this offense, Idaho authorities took Benedictus into custody because the commission of this offense violated the terms of his probation stemming from an Idaho conviction. Benedictus asserts that his custody in Idaho was directly related to the commission of this offense and, therefore, he should have received presentence credits for time he spent in custody in Idaho.

Defendants are entitled to presentence credit for time served “unless the defendant’s confinement was pursuant to a judgment of conviction for another offense.” NRS 176.055(1). Moreover, “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 record in this matter demonstrates that Benedictus was confined in Idaho pursuant to an Idaho conviction and was not confined solely pursuant to this offense. Therefore, the district court properly refused to award Benedictus presentence credits for the time he spent in custody pursuant to the Idaho conviction. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Fourth Judicial District Court, Dept. 1
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk