


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN ALLEN MUNOZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88411-COA

FILED

NOV 07 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brian Allen Munoz appeals from a judgment of conviction, entered pursuant to a guilty plea, of offense involving a stolen vehicle. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Munoz argues the district court erred by not awarding him presentence credits in this matter for the time he was imprisoned pursuant to a judgment of conviction in a different case. Munoz acknowledges NRS 176.055(1) prohibits the award of credits for presentence confinement where the “confinement was pursuant to a judgment of conviction for another offense,” but asks this court to refine the current interpretation of NRS 176.055 to allow for consideration of fairness and purportedly unique circumstances such as his. He also argues that the State’s failure to timely prosecute him deprived him of the opportunity to earn presentence credits.

“[A] district court must give a defendant credit for any time the defendant has actually spent in presentence confinement absent an express statutory provision making the defendant ineligible for that credit.” *White-Hughley v. State*, 137 Nev. 472, 472, 495 P.3d 82, 83 (2021) (internal

quotation marks omitted). “NRS 176.055(1) requires courts to apply credit for time served in presentence confinement to the defendant’s sentence, unless the defendant’s confinement was pursuant to a judgment of conviction for another offense.” *Id.* at 477, 495 P.3d at 86 (internal quotation marks omitted). Based on the plain language of NRS 176.055(1) and *White-Hughley*, Munoz is not entitled to any credit for time he spent imprisoned pursuant to a judgment of conviction in a different case, and Munoz has not presented this court with relevant authority supporting his request to alter this precedent. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

Regarding Munoz’s argument about the delay in prosecuting him, “a guilty plea represents a break in the chain of events which has preceded it in the criminal process.” *Tollett v. Henderson*, 411 U.S. 258, 267 (1973); *see also Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975) (applying *Tollett*). “When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, *he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea.*” *Tollett*, 411 U.S. at 267 (emphasis added); *see also Webb*, 91 Nev. at 470, 538 P.2d at 165 (stating that the entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea). Munoz’s challenge to the timeliness of the State’s prosecution was a claim relating

to an alleged deprivation of constitutional rights that occurred prior to the entry of the guilty plea. Thus, these claims were waived. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Leon Aberasturi, District Judge
Edgerton Legal, LLC
Attorney General/Carson City
Lyon County District Attorney
Third District Court Clerk