

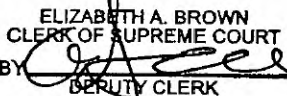
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXIS OCTAVIO MENESES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89040-COA

FILED

JAN 27 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Alexis Octavio Meneses appeals from an order revoking probation. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Meneses argues the district court abused its discretion by failing to award him credit for the time he spent in custody in California after a bench warrant had issued in this case. Meneses contends that, because his “later California conviction was silent as to whether it was concurrent or consecutive” to the instant case, the district court was required to interpret that silence as imposition of a concurrent punishment. Thus, because his California sentence was ordered to run concurrently to the instant case, he claims he is entitled to credit for the time he spent in California custody after the bench warrant and the judgment of conviction in the California case were entered.

The record reflects the following facts. On December 2, 2021, the district court entered a judgment of conviction sentencing Meneses to a 19-to-48-month prison term. The district court suspended the sentence and placed Meneses on probation for a period not to exceed 24 months. On November 11, 2022, a nontechnical violation report was filed alleging that

Meneses violated the terms of his probation, in relevant part, by being arrested and charged in California on October 31, 2022, of assault with a deadly weapon with force, possible great bodily injury; battery with serious bodily injury; and mayhem. The district court entered a bench warrant for Meneses' arrest the following day. On May 20, 2024, Meneses was transported back to Nevada and held in county jail awaiting a probation revocation hearing. At a probation revocation hearing held on June 25, 2024, Meneses admitted he committed a nontechnical violation of the terms of his probation by being convicted in the California case of involuntary manslaughter. Meneses explained that he served 18 months in jail in that case and was supposed to be paroled but was "picked up" on May 20, 2024, for the warrant in this case. The district court ultimately revoked Meneses' probation, ordered Meneses to serve the underlying sentence provided for in the judgment of conviction, and awarded Meneses 41 days of credit for the time he served in Nevada custody.

Pursuant to Meneses' admissions at the probation revocation hearing, he was in custody in California for a California charge and conviction. Meneses presents no authority that a probationer is entitled to credit for time spent in another jurisdiction pursuant to another judgment of conviction.<sup>1</sup> Although Meneses relies on NRS 176.035 in his argument for additional credit, the district court was not required to consider that statute because the judgment of conviction in this case was entered prior to the California judgment. See NRS 176.035(1) (providing that a court "*imposing any subsequent sentence* may provide that the sentences

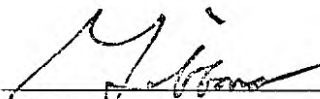
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<sup>1</sup>The district court awarded Meneses credit from the time he was transferred to the custody of Nevada authorities until the probation revocation hearing.

*subsequently pronounced* run either concurrently or consecutively with the sentence first imposed” (emphasis added)); NRS 176.035(3) (providing that, if a person on probation commits a subsequent felony, the sentencing court for the subsequent felony may order “the latter term of imprisonment run concurrently with any prior terms or portions thereof”). For these reasons, the district court did not err in failing to award Meneses additional credit, and we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen M. Drakulich, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk