


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JORDAN SCOTT WEBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 86990-COA

FILED

MAR 11 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER VACATING JUDGMENT AND REMANDING

Jordan Scott Weber appeals from a judgment of conviction, entered pursuant to a guilty plea, of domestic battery committed by strangulation. First Judicial District Court, Carson City; James Todd Russell, Judge.

Weber argues the district court erred by failing to award him presentence credit for the period of time he was in custody on this case because: (1) he was in custody on this case and district court case number 22 CR 00006 1B at the same time and (2) his instant prison sentence was imposed concurrently to the sentence imposed in district court case number 22 CR 00006 1B. The district court awarded no credit for time served in the instant judgment of conviction.

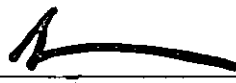
“[A] district court must give a defendant credit for any time the defendant has actually spent in presentence confinement absent an express statutory provision making the defendant ineligible for that credit.” *White-*


Hughley v. State, 137 Nev. 472, 472, 495 P.3d 82, 83 (2021) (internal quotation marks omitted). Where a defendant “was in presentence confinement for multiple cases at the same time and the resulting sentences were imposed concurrently,” the defendant is entitled to “credit on both of his concurrent sentences.” *Id.* at 476, 495 P.3d at 85-86.


For a period of time, Weber was in presentence confinement for both the instant case and 22 CR 00006 1B, and the resulting sentences were imposed concurrently. We therefore conclude the district erred by denying Weber presentence credit for the period of time he actually spent in presentence confinement for this case.¹ We therefore remand this matter to the district court for it to calculate how many days Weber should be credited for his presentence confinement. We note that “NRS 176.055(1) only precludes this credit if the presentence confinement was served pursuant to a judgment of conviction for another offense” and that “when a defendant is simultaneously serving time before sentencing in multiple cases, and the sentences are imposed on different dates, the time served is not ‘pursuant to a judgment of conviction for another offense’ until a sentence is actually imposed.” *White-Hughley*, 137 Nev. at 474, 495 P.3d at 84 (internal quotation marks omitted). Accordingly, we

¹We note the record reflects that Weber was arrested in connection with 22 CR 00006 1B on August 28, 2021, but was not arrested in connection with the instant case until October 7, 2021.

ORDER the judgment of conviction VACATED AND REMAND this matter to the district court for proceedings consistent with this order.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: First Judicial District Court, Dept. One
Karla K. Butko
Attorney General/Carson City
Carson City District Attorney
Jason Woodbury
Carson City Clerk

²In light of our disposition, we need not address whether the district court relied on impalpable or highly suspect evidence in denying Weber presentence credit. Further, we disagree with the State's contention that the lack of presentence credit reflected in the written judgment of conviction amounts to clerical error because the district court orally stated during sentencing that Weber "doesn't get any credit for time served in this case," and the judgment of conviction reflects the district court's oral statement.