

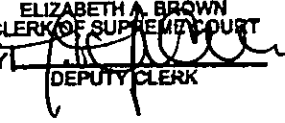
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HUNTER CHASE LANGLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88668-COA

FILED

APR 09 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Hunter Chase Langley appeals from an order revoking probation and an order denying motion and/or request to account for additional credit for time served. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

In 2018, Langley pleaded no contest to one count of sexual abuse of a child. He was sentenced to 24 to 60 months' imprisonment in 2019, that sentence was suspended, and he was placed on probation. Langley was being supervised for his Nevada probation in the state of Louisiana. While in Louisiana, Langley was convicted of new crimes and sentenced to serve two years in prison.

Langley argues the district court abused its discretion by not awarding him credit for the time he spent in "post-conviction confinement" in Louisiana. Specifically, Langley claims he was entitled to 733 days' credit for the time he spent in custody in Louisiana because the Louisiana court stated Langley's Louisiana sentence was to run concurrently "with any other time the defendant has served or is serving." He contends the district court erroneously relied on *Nieto v. State*, 119 Nev. 229, 70 P.3d 747 (2003), because *Nieto* involved a claim for presentence confinement whereas

Langley had been sentenced to a term of probation. For similar reasons, he also argues the district court erred by applying NRS 176.055(1); he contends the district court should have applied NRS 176.055(2)(b).

NRS 176.055(1) provides, in pertinent part:

1. Except as otherwise provided in subsection 2, *whenever a sentence of imprisonment in the county jail or state prison is imposed*, the court may order that credit be allowed against the duration of the sentence . . . for the amount of time which the defendant has *actually spent in confinement before conviction*, unless the defendant's confinement was pursuant to a judgment of conviction for another offense.

(Emphases added.) Pursuant to NRS 176.055(1), when the district court imposed Langley's sentence, Langley was only entitled to credit for time he spent in confinement prior to his conviction. Langley does not dispute he was convicted in Nevada in 2019. Because Langley's confinement in Louisiana occurred after his conviction in this case, Langley was not entitled to credit for his time in Louisiana. Further, Langley was not entitled to any credit for time he spent in Louisiana awaiting a probation revocation hearing. *See Merna v. State*, 95 Nev. 144, 145, 591 P.2d 252, 253 (1979); *see also* NRS 176A.630(4), (5).

We disagree with Langley's argument that credit should have been awarded pursuant to NRS 176.055(2)(b). In relevant part, NRS 176.055(2)(b) states:

A defendant who is convicted of a subsequent offense which was committed while the defendant was . . . on probation . . . from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time the defendant has spent in confinement which is within the period of

the prior sentence, regardless of whether any probation . . . has been formally revoked.

Nothing in NRS 176.055(2)(b) provides for the credit Langley seeks, as the statute references the eligibility of credit on the sentence for a subsequent offense. Langley does not contend the instant case involves a subsequent offense. Based on the foregoing, we conclude Langley fails to demonstrate the district court abused its discretion by denying his request for 733 days' credit for the time he served his Louisiana sentence.¹

Next, Langley argues his due process rights were violated because, had the State more diligently sought his return to Nevada to resolve the alleged probation violations, he could have served his Louisiana sentence concurrently to the prison term imposed in the instant case. Langley failed to support this claim with relevant authority that the State was required to do more than they did to return Langley to this state prior to the Louisiana prison term expiring. *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."). In *Del Hoyo v. State*, the Nevada Supreme Court considered a claim that it was unfair for the State to wait until after appellant had completed his sentence in another state to initiate probation revocation proceedings because appellant was denied the opportunity of serving concurrent terms; the court determined that appellant's contention lacked merit and that "[t]he United States Supreme Court has never held that a prisoner subject to a probation-violation

¹To the extent Langley argues NRS 176.035 is applicable to his situation, we disagree as that statute does not consider the award of credit toward a sentence but instead outlines situations where a court, in imposing a subsequent sentence, may order the subsequent sentence to run either concurrently or consecutively with the sentence first imposed.

detainer has a constitutional right to a speedy probation-revocation hearing.” 109 Nev. 1216, 1217, 866 P.2d 261, 262 (1993) (internal quotation marks omitted). Consistent with *Del Hoyo*, we conclude Langley is not entitled to relief on this claim.

Finally, Langley claims the district court’s failure to award him the requested credit violates the Full Faith and Credit Clause. *See City of Oakland v. Desert Outdoor Adver., Inc.*, 127 Nev. 533, 537, 267 P.3d 48, 50 (2011) (“Under the Full Faith and Credit Clause of the United States Constitution, a final judgment entered in a sister state must be respected by the courts of this state.”). He argues the Louisiana court intended for him to serve his time for the Louisiana conviction concurrently with the sentence of imprisonment in this case.

Langley did not raise this claim below; thus, we review for plain error. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018). To demonstrate plain error, an appellant must show “(1) there was an ‘error’; (2) the error is ‘plain,’ meaning that is it clear under current law from a casual inspection of the record; and (3) the error affected the defendant’s substantial rights.” *Id.* Here, the district court did not improperly deny full faith and credit to the Louisiana conviction because the district court’s order denying credit on Langley’s Nevada sentence did not implicate or affect how Langley served his Louisiana sentence; indeed, Langley had completed his Louisiana sentence before the district court entered its order denying the requested credit. And Langley has not shown that the matter of crediting his Nevada sentence—a sentence that was imposed before Langley’s Louisiana conviction and sentence—was not a matter for the district court to consider and resolve. *Cf. Donlan v. State*, 127 Nev. 143, 146, 249 P.3d 1231, 1233 (2011) (determining that “the Full Faith and Credit Clause

cannot be used by one state to interfere impermissibly with the exclusive affairs of another" (quotation marks omitted)). Therefore, we conclude Langley fails to demonstrate plain error and he is not entitled to relief on this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Alvin R. Kacin, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk