

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CULLEN HUME,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89807-COA

**FILED**

**AUG 21 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Elaine Jones*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Cullen Hume appeals from a district court order revoking probation. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

In 2021, Hume pleaded guilty to one count of carrying a concealed weapon. He was sentenced to 24 to 60 months' imprisonment, that sentence was suspended, and he was placed on probation for a fixed period of two years. On October 18, 2022, the Division of Parole and Probation (Division) filed a technical violation report alleging that Hume had absconded. The district court issued a bench warrant for his arrest the following day. On September 26, 2024, the Division filed a supplemental violation report (non-technical) alleging that Hume had been arrested and convicted in Michigan on three separate charges. Hume was sentenced on his three separate cases on August 5, 2024. The Michigan court ran the three Michigan sentences concurrent to the sentence imposed in this case and agreed to terminate the probation imposed in Hume's Michigan cases once Nevada extradited Hume. The record reflects that a detainer was placed on Hume on August 1, 2024, and that he was transported by the

Division on September 25, 2024, to the Washoe County jail pursuant to the bench warrant.

On October 3, 2024, Hume appeared at a probation revocation hearing. The parties agreed Hume had violated the conditions of his probation, but the hearing was ultimately continued so the parties could brief the court regarding the amount of credit to which Hume was entitled. After considering the parties' arguments, the district court revoked Hume's probation at a subsequent hearing, ordered him to serve the underlying prison sentence, and awarded him 347 days' credit for time served based on the Division's calculation.<sup>1</sup>

Hume argues the district court abused its discretion by failing to award him credit for the time he served pursuant to his Michigan judgment of conviction because the Michigan court specified that the Michigan sentences were to run concurrent to Hume's Nevada sentence. He also appears to argue he was entitled to credit for the time he spent in Michigan pursuant to the Nevada bench warrant.

The record reflects Hume was in custody in Michigan for a Michigan charge and conviction. Hume presents no authority to support his claim that a probationer is entitled to credit for time spent in another jurisdiction pursuant to another judgment of conviction. Although Hume relies on NRS 176.035 and NRS 176.045 in his argument for additional credit, the district court was not required to consider these statutes because the judgment of conviction in this case was entered prior to the Michigan

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<sup>1</sup>The Division's credit calculation included presentence credit and credit for time Hume served in jail for previous probation violations. The calculation also appeared to include credit for time Hume spent in custody from the August 1, 2024, detainer date until the probation revocation hearing.

judgment. See NRS 176.035(1) (providing that a court “*imposing any subsequent sentence* may provide that the sentences *subsequently pronounced* run either concurrently or consecutively with the sentence first imposed” (emphases 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”); NRS 176.045(1) (providing that, if a person convicted of a crime in Nevada “is under sentence of imprisonment pronounced by another jurisdiction,” the Nevada sentencing court “may, in its discretion, provide that such sentence shall run either concurrently or consecutively *with the prior sentence*” (emphasis added)). Further, Hume was not entitled to any credit for time he spent in Michigan custody awaiting a probation revocation hearing. See *Merna v. State*, 95 Nev. 144, 145, 591 P.2d 252, 253 (1979). For these reasons, Hume fails to demonstrate the district court erred by failing to award him additional credit, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. David A. Hardy, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk