IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RUSSELL LEE GARNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 89160-COA

FILED
AUG 25 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Russell Lee Garner appeals from a judgment of conviction, entered pursuant to a guilty plea, of burglary of a motor vehicle. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Garner argues NRS 176.055(2)(b) is unconstitutionally vague as applied to him.[1] Garner does not cogently argue, and fails to cite relevant legal authority in support of, his vagueness claim. A vagueness claim may be raised on two separate and independent grounds, *see State v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 553 (2010) (stating a criminal law may be unconstitutionally vague "(1) if it fails to provide a person of ordinary intelligence fair notice of what is prohibited; or (2) if it is so standardless

[1]NRS 176.055(2)(b) states a defendant who is convicted of an offense which was committed while the defendant was on parole for a prior offense "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 or parole has been formally revoked."

that it authorizes or encourages seriously discriminatory enforcement" (internal quotation marks omitted)), and Garner does not explain how NRS 176.055(2)(b) implicates either of these tests. Therefore, we decline to address this claim on appeal. *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 the court.").

Garner also argues NRS 176.055(2)(b) violates the Equal Protection Clause of the Fourteenth Amendment as applied to him. Garner contends he was treated differently due to his indigent status; had he been able to afford bail, he would have been released into the community because he was not in custody on his prior sentence.

Again, Garner does not cogently argue, and fails to cite relevant legal authority in support of, his equal-protection claim. In particular, Garner does not allege what level of scrutiny applies, *see Vickers v. Dzurenda*, 134 Nev. 747, 750, 433 P.3d 306, 309 (Ct. App. 2018) ("Equal-protection analysis involves a two-part inquiry. This court first establishes what level of scrutiny the legislation receives, and then it examines the legislation under the appropriate level of scrutiny."), and he only cites authority that is adverse to his position, *see Gaines v. State*, 116 Nev. 359, 365-66, 998 P.2d 166, 170 (2000) (stating Nevada precedent holding "NRS 176.055 should be read broadly to provide credit for confinement in instances where a defendant is financially unable to post bail . . . to prevent an equal protection violation" was not "intended to alter the unequivocal prohibition of incarceration credit set forth in NRS 176.055(2)(b)").

Therefore, we also decline to address this claim on appeal. *See Maresca*, 103 Nev. at 673, 748 P.2d at 6.

In light of the foregoing, we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk