

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEITH LEROY MORENO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90290-COA

FILED

SEP 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E.A. Brown*
DEPUTY CLERK

*ORDER AFFIRMING IN PART, REVERSING IN PART AND
REMANDING*

Keith Leroy Moreno appeals from a judgment of conviction, entered pursuant to a guilty plea, of one count of child abuse or neglect, first offense. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Moreno argues the district court abused its discretion by not awarding him credit for time he spent in the county detention center on a federal probation hold. He contends that, because the federal hold was placed due to his arrest in this case, his detention appears to be solely due to the instant case. He argues that the award of credit is warranted by statutory authority and principles of fundamental fairness. Alternatively, Moreno seeks 15 days of presentence credit for the period of time he was detained between the release of the federal hold on August 21, 2024, and his release on bail on September 4, 2024, during which Moreno asserts he was held in custody solely for his state offense.

We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). A district court must credit a sentence "for the amount of time which the

defendant has actually spent in confinement before conviction, unless his confinement was pursuant to a judgment of conviction for another offense.” NRS 176.055(1). Additionally, NRS 176.055 “cannot be interpreted to grant our judiciary the right to give credit for time spent in federal custody for non-state purposes.” *McMichael v. State*, 94 Nev. 184, 194, 577 P.2d 398, 404 (1978), *overruled on other grounds by Meador v. State*, 101 Nev. 765, 711 P.2d 852 (1985), and *abrogated on other grounds by Braunstein v. State*, 118 Nev. 68, 40 P.3d 413 (2002). Accordingly, NRS 176.055(1) limits presentence credit to time that is served solely due to state charges.

The district court awarded Moreno 139 days of presentence credit for time he spent in detention solely on this charge. Moreno was not entitled to presentence credit for time served on the federal probation hold; and accordingly, we conclude Moreno failed to demonstrate the district court abused its discretion when determining he was not entitled to presentence credit for time spent detained pursuant to the federal hold.

However, we conclude that Moreno may be entitled to relief concerning his assertion that the presentence credit award did not account for the entire period he was detained pursuant to his state charge. The record supports Moreno’s argument, as it indicates that the presentence credit award did not account for the time Moreno remained in custody after the release of his federal hold and before he posted bail but the record does not definitively demonstrate that Moreno was detained solely for the instant offense. We also note that the State concedes that additional proceedings before the district court are necessary to determine whether Moreno is entitled to 15 more days of presentence credits. Therefore, we reverse the judgment of conviction and remand for the district court to

determine whether Moreno was indeed in custody for that time and if that detention was solely based on the instant case. Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tammy Riggs, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk