

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER RITTER PILLING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90818-COA

FILED

DEC 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Ritter Pilling appeals from a judgment of conviction, entered pursuant to a guilty plea, of offering false written evidence. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

Pilling argues the district court erred by declining to award him 316 days of presentence credit in this case. The district court held a single sentencing hearing in which it sentenced Pilling in two different cases: district court case no. CR23-2823, and district court case no. CR24-2319 (the instant case). The district court sentenced Pilling to 19 to 48 months in prison in the instant case and ordered that this sentence run consecutively to the prison sentence imposed in district court case no. CR23-2823. The district court awarded Pilling 321 days' presentence credit in district court case no. CR23-2823 and declined to award Pilling presentence credit in this matter.¹

¹The judgment of conviction entered in district court case no. CR23-2823 is not contained in the record on appeal. Nonetheless, the sentencing transcript indicates, and the parties agree, that the district court awarded Pilling 321 days' presentence credit in that matter.

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Except in circumstances not present here,

[W]henever a sentence of imprisonment . . . is imposed, the court may order that credit be allowed against the duration of the sentence, including any minimum term or minimum aggregate term, as applicable, thereof prescribed by law, *for the amount of time which the defendant has actually spent in confinement before conviction*

NRS 176.055(1) (emphasis added); *see also Poasa v. State*, 135 Nev. 426, 426, 453 P.3d 387, 388 (2019) (“Nevada law is well-settled that when a district court imposes a sentence in a criminal case, it 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.”). The purpose of NRS 176.055(1) “is to ensure that all time served is credited towards a defendant’s ultimate sentence.” *Kuykendall v. State*, 112 Nev. 1285, 1287, 926 P.2d 781, 783 (1996).

Pilling does not contend that he actually spent 316 more days in presentence confinement than what he was credited for in district court case no. CR23-2823. Rather, the State contends that Pilling simultaneously served time in presentence confinement for both cases and that the credit awarded in district court case no. CR23-2823 reflected the total time Pilling actually spent in presentence confinement for both cases. Pilling does not challenge, and thus effectively concedes, these points on appeal. *See Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955).

Because Pilling received credit for the entire time he actually spent in presentence confinement for both cases in district court case no. CR23-2823, and because the sentence in the present case was imposed consecutively rather than concurrently with the sentence in CR23-2823, we conclude the district court properly declined to award additional credit in the instant matter. *Cf. White-Hughley v. State*, 137 Nev. 472, 477, 495 P.3d

82, 86 (2021) (holding that, “where a defendant simultaneously serves time in presentence confinement for multiple cases and the resulting sentences are imposed *concurrently*, credit for time served must be applied to each case” (emphasis added)); *see also Mays v. Eighth Jud. Dist. Ct.*, 111 Nev. 1172, 1176, 901 P.2d 639, 642 (1995) (stating nothing in NRS 176.055 precludes a district court from apportioning presentence credit among two or more consecutive sentences). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Scott N. Freeman, District Judge
Attorney General/Carson City
Mayhew Law PLLC
Washoe County District Attorney
Washoe District Court Clerk