

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLIE MARIA MIKESELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38844

FILED

MAR 07 2002

MANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of uttering a forged instrument. The district court sentenced Leslie Maria Mikesell to serve a prison term of 12 to 30 months to run concurrent to a sentence imposed in an unrelated case. The district court credited Mikesell 25 days for time she spent in custody prior to sentencing.

Mikesell's sole contention is that the district court erred in failing to give her credit for an additional 119 days of presentence incarceration. We conclude that Mikesell's contention lacks merit.

NRS 176.055(1) states, in part, "whenever a sentence of imprisonment . . . 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 [her] confinement was pursuant to a judgment of conviction for another offense." This court has recognized that the purpose of NRS 176.055(1), despite its discretionary language, is to ensure that all time served is credited toward a defendant's ultimate sentence.¹ However, neither NRS


¹See Kuykendall v. State, 112 Nev. 1285, 926 P.2d 781 (1996).


176.055(1) nor Kuykendall requires that a defendant receive double credit for the same time served against sentences in multiple cases.


Here, Mikesell was incarcerated, prior to sentencing, on two district court cases for a total time period of 144 days. In the instant case, the district court gave appellant credit for 25 days of presentence incarceration. In the other unrelated case, the district court gave appellant credit for 144 days of presentence incarceration.² Because that credit accounts for the total time Mikesell served in custody prior to sentencing, Mikesell is entitled to no additional credit for time served.

Having considered Mikesell's contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

²Although Mikesell has not provided this court with any documentation concerning the unrelated case, Mikesell admitted at her sentencing and in her fast track statement on appeal that she received 144 days credit for time served prior to sentencing on the unrelated case.

cc: Hon. J. Michael Memeo, District Judge
Attorney General/Carson City
Elko County District Attorney
Elko County Public Defender
Elko County Clerk