

IN THE SUPREME COURT OF THE STATE OF NEVADA

LATASHA WASHINGTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41090

FILED

MAY 04 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a controlled substance with intent to sell. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant to a prison term of 12 to 48 months and ordered the sentence to run consecutively to district court case number C169246.

Appellant contends that the district court erred at sentencing. Specifically, appellant argues that she should have been allowed credit for time served in the instant matter and that it was error to run the sentence in this case consecutive to her other district court case because the sentence in the other case had already expired.

NRS 176.055(2)(b) provides, in part, that a defendant convicted of a subsequent offense while on "parole from a Nevada conviction is not eligible for any credit on the sentence for the subsequent offense for the time [she] has spent in confinement which is within the period of the prior sentence, regardless of whether any probation or parole has been formally revoked."


Although appellant argues that her sentence in district court case number C169246 had expired, the documents before this court show

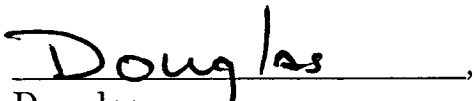
that at the time of sentencing in the instant case, appellant was actually on parole in district court case number C169246, and awaiting a parole revocation hearing. Pursuant to NRS 176.055, appellant was not entitled to credit in the instant case.

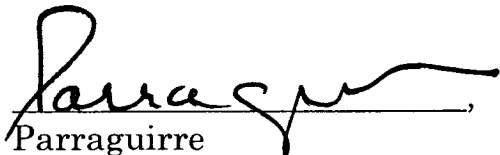
Appellant's argument that she was effectively deprived of credit in the instant case because the sentence had expired in district court case number C169246 is belied by the record. As previously noted, the sentence in the other case had not actually expired at the time of sentencing in the instant case. Moreover, it is within the district court's discretion to impose consecutive sentences.¹

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


Maupin


Douglas J.


Parraguirre J.

¹See NRS 176.035(1); Warden v. Peters, 83 Nev. 298, 429 P.2d 549 (1967).

cc: Hon. Donald M. Mosley, District Judge
Steven M. Altig
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk