

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONARDO DELIS, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58665

FILED

MAR 07 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK


ORDER OF AFFIRMANCE

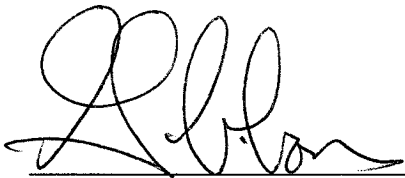
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of burglary. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

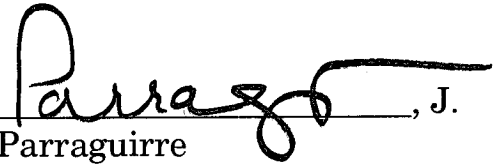
Appellant Leonardo Delis, Jr., contends that the district court erred by denying him an additional 464 days of credit for time served in the Clark County Detention Center before his sentencing in this matter. Delis argues that NRS 176.055(2)(b) does not apply to him because, even though he was serving a term of probation for another offense, he was incarcerated pursuant to the instant offense and did not receive credit for time served. We disagree. Delis' confinement for the instant offense overlapped with the probationary term for his prior offense and NRS 176.055(2)(b) prohibited the district court from crediting Delis for any time served before he was dishonorably discharged from probation, see Gaines v. State, 116 Nev. 359, 364, 998 P.2d 166, 169 (2000) ("The plain and unequivocal language of NRS 176.055(2)(b) prohibits a district court from crediting a . . . probationer for time served on a subsequent offense if such offense was committed while on probation."). Therefore, the district court

did not abuse its discretion, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Chief Judge, Eighth Judicial District Court  
Law Office of Betsy Allen  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk