

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH GUADALUPE LOPEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59729

FILED

JUN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Agosti*
DEPUTY CLERK


ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of false imprisonment. First Judicial District Court, Carson City; Deborah A. Agosti, Senior Judge.

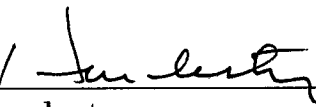
Appellant Joseph Guadalupe Lopez contends that the district court erred by failing to award him additional credit for time served in presentence confinement. We disagree. A defendant is entitled to credit for presentence confinement “unless [his] confinement was pursuant to a judgment of conviction for another offense.” NRS 176.055(1); McMichael v. State, 94 Nev. 184, 194, 577 P.2d 398, 404 (1978) (“Only incarceration pursuant to a charge for which sentence is ultimately imposed can be credited against that sentence.”), overruled on other grounds by Meador v. State, 101 Nev. 765, 711 P.2d 852 (1985), disapproved of by Talancon v. State, 102 Nev. 294, 721 P.2d 764 (1986), and abrogated on other grounds by Braunstein v. State, 118 Nev. 68, 40 P.3d 413 (2002). Here, the district court denied Lopez’s request for additional credit at the sentencing hearing, stating that it would be an abuse of discretion to grant him credit in the instant case for time served while incarcerated pursuant to a misdemeanor domestic battery conviction. We agree and conclude that the district court did not abuse its discretion by denying Lopez’s request. See

Parrish v. State, 116 Nev. 982, 989, 12 P.3d 953, 957 (2000) (this court will not disturb a district court's sentencing determination absent an abuse of discretion). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Chief Judge, The First Judicial District Court
Hon. Deborah A. Agosti, Senior Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk