

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER LOGAN O'NEILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60550

CHRISTOPHER LOGAN O'NEILL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60551

FILED

DEC 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

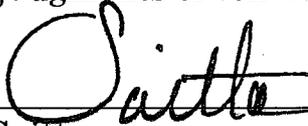
Docket No. 60550 is an appeal from a judgment of conviction entered in district court case number CR11-1444, pursuant to a guilty plea, of possession of stolen property. Docket No. 60551 is an appeal from a judgment of conviction entered in district court case number CR11-1969, pursuant to a guilty plea, of burglary. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

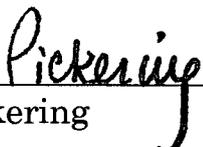
Appellant Christopher Logan O'Neill argues that these appeals should be remanded to the district court to clarify and recalculate the amount of presentence credit he is entitled to in each case because the judgments of conviction reflect a discrepancy with the amount of credit orally awarded by the judge.

The record reveals that the district court orally awarded O'Neill 69 days of credit in CR11-1969 and 78 days of credit in CR11-1444. Immediately thereafter, O'Neill's counsel stated, "Just concerning credit [for] time served, in light of the fact they were both run concurrent, my client believes it is 116 days." The judge responded, "That is correct.

Thank you.” The judgment of conviction in CR11-1444 awards 116 days of credit, and the judgment of conviction in CR11-1969 imposes a sentence concurrent to the sentence in CR11-1444 and does not award any credit. It is unclear from the record provided to this court how the district court’s original awards of credit were calculated or how counsel arrived at the request for 116 days of credit. The record does reveal, however, that O’Neill committed the offense in CR11-1969 while on bail for the offense in CR11-1444, and we note that a defendant is not entitled to credit for presentence confinement if that “confinement was pursuant to a judgment of conviction for another offense.” NRS 176.055(1). Although it appears that there may be some discrepancy between the credit orally awarded and the credit awarded in the judgments of conviction, O’Neill has failed to provide this court with an adequate record for us to find that a remand is necessary to clarify or recalculate the award of credit, because it is possible that after the oral pronouncement the district court modified its credit award in CR11-1969 pursuant to NRS 176.055(1). See Greene v. State, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) (appellant bears the burden to provide this court with an adequate record to review the assignments of error); Miller v. Hayes, 95 Nev. 927, 929, 604 P.2d 117, 118 (1979) (a district court’s oral pronouncement is not final and may be modified before a written order is filed). Therefore, we

ORDER the judgments of conviction AFFIRMED.


Saitta, J.


Pickering, J.


Hardesty, J.

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk