

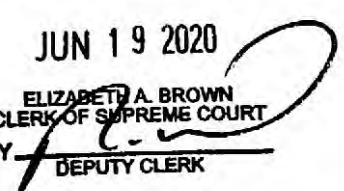
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CODY MCKINNON LARSEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79852-COA

FILED

JUN 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Cody McKinnon Larsen appeals from a judgment of revocation of probation. First Judicial District Court, Carson City; James E. Wilson, Judge.

Larsen claims the district court abused its discretion after revoking his probation by not awarding him credit for time spent in confinement for his Utah offense because the sentence in his Nevada case was imposed to run concurrent with the sentence in his Utah case. He cites to *Johnson v. State*, 120 Nev. 296, 89 P.3d 669 (2004), for support.


NRS 176.055(1) allows a district court to credit a sentence “for the amount of time which the defendant has actually spent in confinement before conviction, *unless his confinement was pursuant to a judgment of conviction for another offense.*” (Emphasis added.) The plain language of this statute limits the credit to time served pending sentencing for the instant conviction.

To the extent Larsen relies on *Johnson*, his reliance is misplaced. *Johnson* relates to concurrent sentences within a single judgment of conviction and not to concurrent sentences imposed in separate judgments of conviction. See 120 Nev. at 297-98, 89 P.3d at 669-70. We

conclude the district court correctly determined that Larsen was not entitled to credit for time spent in confinement pursuant to the judgment of conviction for his Utah offense. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
State Public Defender/Carson City
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk