IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES D. SEGROVES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39799

FILED

APR 09 2003

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

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of lewdness with a child under 14 years of age.

Appellant Charles Segroves engaged in numerous sexual acts in both California and Nevada with the daughter of his former girlfriend. The sexual contacts began when the victim was approximately 11 years old and continued until she was approximately 15 years old.

A California court convicted appellant, pursuant to a no contest plea, of several sexual offenses against a minor. The court sentenced appellant to numerous consecutive and concurrent prison terms for a total term of eight years. Thereafter, the Nevada district court convicted appellant, pursuant to a guilty plea, of lewdness against a child under 14 years of age and sentenced him to a mandatory term of life imprisonment with a minimum parole eligibility of 10 years to run concurrently with the California sentence.

Appellant claims that his Nevada conviction violated the Fifth Amendment proscription against double jeopardy and NRS 171.070 because a California court had already punished him for the same offense. Appellant alleges that included in the California proceeding was a conviction for continuous sexual abuse of a child and that the period of time included the lewdness for which he was convicted in Nevada. Appellant concludes that California has already imposed punishment for

the Nevada offense and that his subsequent conviction in Nevada constitutes a successive prosecution for the same conduct.

Initially, neither party has shown that this issue was preserved for appeal.[1] However, even assuming proper preservation, the record repels appellant's claim and establishes that he was convicted of discrete sexual offenses occurring on different dates with the same victim in each state. It is clear from the California arraignment and sentencing transcripts and the California abstract of judgment that the continuous sexual abuse charge was changed to one of lewd acts with a child under the age of 14, pursuant to California Penal Code section 288(a) and that appellant pled no contest to this offense.

We further conclude that NRS 171.070 does not apply to this case. NRS 171.070 provides: "When an act charged as a public offense is within the jurisdiction of another state, territory or country, as well as of this state, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this state." Appellant was not prosecuted in Nevada for an offense over which California exercised concurrent jurisdiction. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, J.
Shearing

_____, J.
Leavitt

_____, J.
Becker

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[1]See NRS 177.015(4); Webb v. State, 91 Nev. 469, 538 P.2d 164 (1975).

cc: Hon. Michael P. Gibbons, District Judge
Derrick M. Lopez
Attorney General Brian Sandoval/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk