

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY D. BRIGGS, SR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45129

**FILED**

AUG 16 2005

*J. Rihard*  
CLERK

ORDER OF AFFIRMANCE AND DIRECTING THE CLERK OF THE  
DISTRICT COURT TO CAUSE THE NOVEMBER 9, 2004 HABEAS  
CORPUS PETITION TO BE FILED IN C53751

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David Wall, Judge.

On September 30, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted larceny from the person (gross misdemeanor) in district court case number C202798. The district court sentenced appellant to serve a term of nine months in the Clark County Detention Center. The sentence was imposed to run concurrently with the sentence imposed in district court case number C53751. No direct appeal was taken.

In 2004, appellant submitted a proper person post-conviction petition for a writ of habeas corpus for filing in district court case numbers C202798 and C53751. However, on November 9, 2004, the petition was filed only in district court case number C202798. On March 29, 2005, the

district court denied the petition in district court case number C202798. This appeal followed.

In his November 9, 2004 habeas corpus petition, appellant challenged the computation of time served as calculated by the Department of Corrections. The district court concluded that appellant's petition improperly designated district court case number C202798 as appellant's arguments related to his 1981 conviction in district court case number C53751. Having reviewed the record on appeal, we conclude that the record supports the findings and conclusions of the district court, and thus, we conclude that the district court did not err in denying the petition filed in district court case number C202798. Therefore, we affirm the order of the district court entered in district court case number C202798.


In reviewing this appeal, it appeared that the clerk of the district court mistakenly failed to file the November 9, 2004 habeas corpus petition in district court case number C53751. This court directed the State to show cause why this court should not direct the clerk of the district court to file the November 9, 2004 habeas corpus petition in district court case number C53751. The State filed a timely response and indicated that it did not oppose such action. Accordingly, having concluded that briefing and oral argument are unwarranted<sup>1</sup>, we

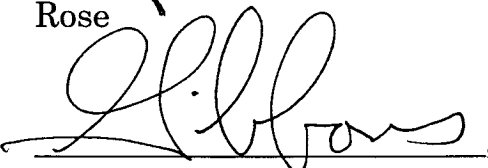
ORDER the judgment of the district court AFFIRMED and DIRECT the clerk of the district court to cause the November 9, 2004


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<sup>1</sup>Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

habeas corpus petition to be filed in district court case number C53751, if the clerk of the district court has not already done so.<sup>2</sup>

  
\_\_\_\_\_, J.  
Rose

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

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. David Wall, District Judge  
Terry D. Briggs Sr.  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter. We have received all proper person documents submitted in this matter, and we conclude that no further relief is warranted at this time.