

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY PATRICK PALMER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46342

FILED

MAR 27 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of burglary. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Anthony Patrick Palmer to a prison term of 14 to 38 months, with credit for 17 days time served.

Palmer's sole contention on appeal is that the district court erred by refusing to grant more credit for presentence confinement. Specifically, Palmer argues that after he was arrested on unrelated misdemeanor charges, he was essentially held without bail on the instant charges.

This court has held that an individual in custody on multiple cases seeking jail time credit on one of those cases must allege specific factual allegations entitling him to relief.¹ In particular, the request for relief must have "specified the crimes, case numbers, and sentences being served for convictions other than the one for which he seeks jail time

¹Pangallo v. State, 112 Nev. 1533, 1537, 930 P.2d 100, 103 (1996), limited in part on other grounds by Hart v. State, 116 Nev. 558, 1 P.3d 969 (2000).

credit and [must] have alleged that he did not receive any credit in his other sentences for any of the jail time at issue.”²

Based on the record before this court, we cannot determine whether Palmer is entitled to additional jail time credit. Accordingly, we affirm the judgment of conviction without prejudice to Palmer's right to file a habeas petition on this matter, properly supported by specific factual allegations.³

It is so ORDERED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²Id.

³See id. at 1536, 930 P.2d at 102-03 (noting that a petition for jail time credits that fails for lack of specificity should be dismissed without prejudice to the petitioner's right to file a new habeas petition "properly supported by specific factual allegations").