

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LEE WRIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46766

FILED

JUL 28 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion for credit for time spent on house arrest. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On November 27, 2002, the district court convicted appellant, pursuant to a guilty plea, of one count of battery with the intent to commit a crime and one count of child endangerment. The district court sentenced appellant to serve a term of 24 to 84 months for the battery count and a concurrent term of 24 to 96 months for the child endangerment count. The district court provided appellant with 64 days of credit for presentence confinement. No direct appeal was taken.

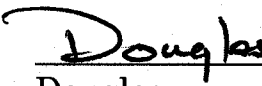
On January 3, 2006, appellant filed a motion for credit for time spent on house arrest. On January 24, 2006, the district court denied the motion. This appeal followed.


In his motion, appellant sought 49 days of credit for time spent on house arrest. Based upon our review of the record on appeal, we conclude that the district court did not err in denying the relief requested. Preliminarily, we note that appellant sought credit in the wrong vehicle; appellant should have filed a post-conviction petition for a writ of habeas

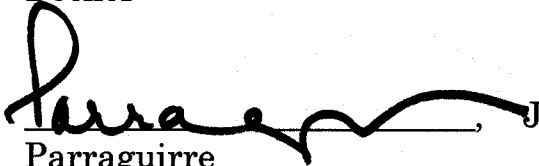
corpus.¹ Although appellant sought credit in the wrong vehicle, we conclude that the district court reached the correct result in denying the motion because appellant failed to demonstrate that he was entitled to the credit he sought. This court has held that house arrest is not confinement within the meaning of NRS 176.055, and thus, a defendant is not entitled to credit for time spent on house arrest.² Accordingly, we affirm the order of the district court.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

¹See Griffin v. State, 122 Nev. ___, ___ P.3d ___ (Adv. Op. No. 63, July 13, 2006); Pangallo v. State, 112 Nev. 1533, 930 P.2d 100 (1996) overruled in part by Griffin, 122 Nev. ___, ___ P.3d ___. Because the holding in Griffin is prospective only, appellant's request for credit is not being reviewed under the rules set forth in NRS chapter 34 for petitions that challenge the validity of the judgment of conviction and sentence.

²State v. District Court, 121 Nev. ___, 116 P.3d 834 (2005).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Donald M. Mosley, District Judge
William Lee Wright
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk