

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRITZI ANN DEMING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46822

FILED

MAY 19 2006

JANET L. 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 an amended judgment of conviction to include credit for house arrest. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

On April 8, 2002, the district court convicted appellant, pursuant to a guilty plea, of one count of forgery. The district court sentenced appellant to serve a term of twelve to thirty-two months in the Nevada State Prison. The district court suspended the sentence and placed appellant on probation for a period not to exceed five years. On September 7, 2005, the district court revoked probation and provided appellant with eleven days of credit for time served pursuant to the probation revocation proceedings.

On December 6, 2005, appellant filed a proper person motion for an amended judgment of conviction to include credit for house arrest.¹

¹NRS 34.724(2)(c) provides that a post-conviction petition for a writ of habeas corpus "[i]s the only remedy available to an incarcerated person to challenge the computation of time that [s]he has served pursuant to a judgment of conviction." Appellant's request for additional credits is a challenge to the computation of time served. Consequently, appellant should have filed a post-conviction petition for a writ of habeas corpus, not

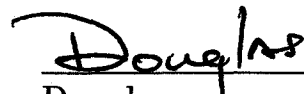
continued on next page . . .


The State opposed the motion. On February 6, 2006, the district court denied the motion. This appeal followed.

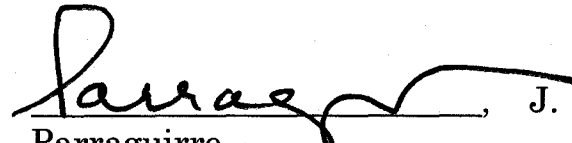
Appellant sought 60 days of credit for time spent on house arrest. This court recently held a defendant is not entitled to credit for time spent on house arrest.² Thus, we conclude that the district court did not err in denying appellant's motion for additional credit.

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

... continued

a motion for credits. See Pangallo v. State, 112 Nev. 1533, 1535, 930 P.2d 100, 102 (1996). We conclude that the procedural label is not critical in resolving the claim for credits in the instant case. See id. at 1535-36, 930 P.2d at 102.

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

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

cc: Hon. David R. Gamble, District Judge
Fritzi Ann Deming
Attorney General George Chanos/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk