

IN THE SUPREME COURT OF THE STATE OF NEVADA


SUNG H. HONG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47876

FILED

DEC 13 2006

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court dismissing a "motion for granting specially served jail time." First Judicial District Court, Carson City; Michael R. Griffin, Judge.

We have reviewed the record on appeal and we conclude that the district court did not err in dismissing appellant's motion for the reasons stated in the attached order.¹ Therefore, briefing and oral

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 he has served pursuant to a judgment of conviction." Appellant's request for additional post-conviction 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 a motion for credits. See Griffin v. State, 122 Nev. ___, ___, 137 P.3d 1165, 1168-69 (2006). We conclude that the procedural label is not critical in resolving the claim for credits in the instant case. See Pangallo v. State, 112 Nev. 1533, 1535-36, 930 P.2d 100, 102 (1996), overruled on other grounds by Griffin, 122 Nev. ___, 137 P.3d 1165.

argument are not warranted in this case.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker _____, J.
Becker

Hardesty _____, J.
Hardesty

Parraguirre _____, J.
Parraguirre

cc: Hon. Michael R. Griffin, District Judge
Sung H. Hong
Attorney General George Chanos/Carson City
Carson City Clerk

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

1 Case No. 05-01599H
2 Dept. No. I

REC'D & FILED ✓

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ALAN GLOVER
CLERK
BY *Alan Glover*
DEPUTY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

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9 STATE OF NEVADA,
10 Plaintiff,

ORDER OF DISMISSAL

11 v.
12 SUNG HONG,
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14 Defendant.

15 THIS MATTER is before the Court on a Motion for Granting Specially Served Jail
16 Time, filed with the Eighth Judicial District Court, in and for Clark County, on May 19, 2005.
17 Following an appeal to the Supreme Court of Nevada, this case was transferred to this Court
18 on December 12, 2005.

19 This Court has read the case file as well as the law applicable to the issues raised in the
20 various pleadings. This Court, deeming itself fully advised of the matter, hereby enters its
21 Judgment as follows:

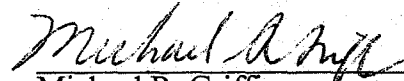
22 Petitioner states that he is owed time credits for the period from October 23, 2003, until
23 his transfer to the Nevada Department of Corrections on December 9, 2003, a total of 46 days.
24 Pursuant to NRS 176.335(3), the "term of imprisonment designated in the judgment of
25 conviction must begin on the date of sentence of the prisoner by the court. A review of the
26 state court record in this matter and a review of the time credit audit made by the Nevada
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1 Department of Corrections show that the Petitioner's sentence has been correctly calculated
2 and that he is not entitled to any additional credit. Therefore, good cause appearing;

3 IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DENIED
4 and this case is DISMISSED.

5 IT IS SO ORDERED.

6 DATED this 31 day of July, 2006..

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10 Michael R. Griffin
11 District Judge
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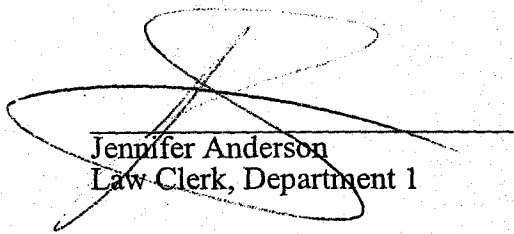
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2006, I placed a copy of the foregoing
Order in the United States Mail, postage prepaid, addressed as follows:

SUNG HONG, #79334
P.O. Box 7007
Carson City NV 89702

OFFICE OF THE ATTORNEY GENERAL
100 North Carson Street
Carson City NV 89701


Jennifer Anderson
Law Clerk, Department 1