

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD CHRISTOPHER ROMANE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50478

FILED

MAR 17 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus, or in the alternative, a writ of mandamus or prohibition. Sixth Judicial District Court, Humboldt County; Richard Wagner, Judge.

On February 10, 1998, the district court convicted appellant, pursuant to a guilty plea, of one count of burglary and one count of theft in district court case number C147309 (Eighth Judicial District Court).¹ The district court sentenced appellant to serve in the Nevada State Prison a term of 48 to 120 months for burglary and a consecutive term of 24 to 60 months for theft. The district court suspended the sentences and placed appellant on probation for a period not to exceed 5 years. On August 28, 2003, the district court determined that appellant had violated the conditions of probation, revoked probation, and executed the original sentence imposed. On October 31, 2006, the district court amended the judgment of conviction to reflect credit for time served in the amount of 92 days.

¹The judgment of conviction states that the crimes occurred between June 14, 1996, and April 3, 1997.

On August 21, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus, or in the alternative, a writ of mandamus or prohibition in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On October 29, 2007, the district court denied appellant's petition. This appeal followed.²

In his petition, appellant claimed that he was entitled to an additional 480 days of good time credits due to the recent amendment of NRS 209.4465 regarding good time credits as set forth in Assembly Bill 510.³ The district court denied the petition because the amendment to NRS 209.4465 did not apply to appellant. Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's claim for additional credit. NRS 209.4465, a statute relating to good time credits, applies only to defendants whose crimes were committed on or after July 17, 1997.⁴ Because appellant's crimes were committed between June 14, 1996, and April 3, 1997, appellant's statutory

²Four days before the district court entered the order denying the petition, appellant filed a reply to the State's opposition. Appellant was not granted permission to file a reply; thus, we conclude that the district court did not abuse its discretion in declining to consider the reply. See NRS 34.750(5).

³See 2007 Nev. Stat., ch. 525, § 5, at 3176-77 (increasing monthly statutory good time credits earned pursuant to NRS 209.4465).

⁴See NRS 209.4465(1).

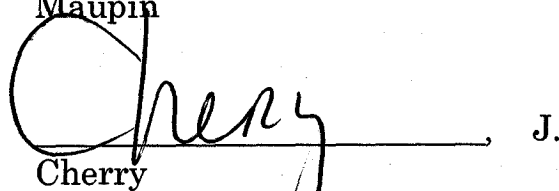
good time credits are governed by NRS 209.446.⁵ The amount of statutory good time credits earned each month pursuant to NRS 209.446 was not increased by the amendments in Assembly Bill 510.⁶ Appellant's claim for credits may only be raised in a post-conviction petition for a writ of habeas corpus; thus, a writ of mandamus or prohibition is not available to challenge the computation of time served.⁷ Therefore, we conclude that the district court did not err in denying the petition.

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.⁸ Accordingly, we

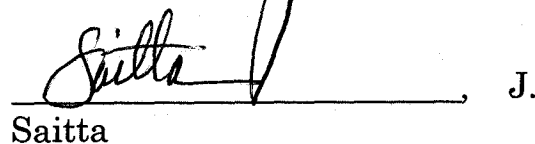
ORDER the judgment of the district court AFFIRMED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

⁵See NRS 209.446 (governing good time credits earned by inmates whose crimes were committed on or after July 1, 1985, but before July 1, 1997).

⁶See 2007 Nev. Stat., ch. 525, § 4, at 3175-76.

⁷See NRS 34.724(2)(c).

⁸See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Richard Wagner, District Judge
Richard Christopher Romane
Attorney General Catherine Cortez Masto/Carson City
Humboldt County Clerk