

IN THE SUPREME COURT OF THE STATE OF NEVADA

MYESHA DE'SHANE YOUNG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 52357

**FILED**

MAR 12 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

On July 16, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of leaving the scene of an accident. The district court sentenced appellant to serve a term of 36 to 90 months in the Nevada State Prison. The district court provided appellant with 45 days of credit for time served. No direct appeal was taken.

On February 22, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. It appears that appellant supplemented the petition with a document labeled "motion to correct an illegal sentence." 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 August 1, 2008, the district court entered a final order dismissing appellant's petition. This appeal followed.

In her petition, appellant challenged the computation of time served. Appellant claimed that the Nevada Department of Corrections

arbitrarily interpreted NRS 209.4465 and 2007 amendments. Appellant claimed that the Department did not treat one credit as equal to one day, and that the Department reduced the credits by one-half. Appellant appeared to claim that she had not received all meritorious credits earned. Appellant also claimed that she was erroneously told that the credits would not apply to her sentence after she had reached her parole eligibility date. Appellant further claimed that she was denied her rights in the grievance process. Finally, appellant claimed that the Department's actions violated various constitutional rights.

Appellant failed to demonstrate that she was entitled to any additional credits or that any constitutional rights were violated. The 2007 Nevada Legislature amended NRS 209.4465 to increase the amount of statutory good time credits earned by an offender, who had committed a crime on or after July 1, 1997, from a deduction of 10 days per month to a deduction of 20 days per month. 2007 Nev. Stat., ch. 525, § 5, at 3176 (NRS 209.4465(1)). The Legislature further provided that for certain offenders statutory good time credits would be applied to eligibility for parole and must be deducted from the minimum term imposed until the offender becomes eligible for parole. 2007 Nev. Stat., ch. 525, § 5, at 3177 (NRS 209.4465(8)). In determining the effect of the amendments, the Legislature provided that the amendment enacted in NRS 209.4465(8), the provision applying credits to the minimum term for certain offenders, applied retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in NRS 209.4465(8), who was in the custody of the Nevada Department of Corrections on and before July 1, 2007. 2007 Nev. Stat., ch. 525, § 21, at 3196. Notably, the provision allowing for the application of statutory good time credits to a minimum


term of imprisonment does not apply to offenders convicted of a Category B felony. NRS 209.4465(8)(d). Thus, an offender convicted of a Category B felony is entitled to receive 20 days of statutory good time credits beginning July 1, 2007, and those credits must be deducted from the maximum term to be served and would apply to eligibility for parole unless the offender was sentenced pursuant to a statute specifying a minimum term. NRS 209.4465(1), (7), (8); see also 2007 Nev. Stat., ch. 525, § 21, at 3196.

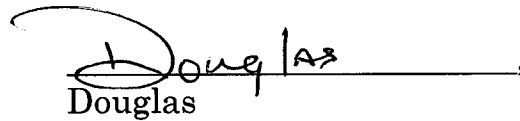
The credit history report attached by the State indicates that statutory credits were correctly applied and no mathematical formula was applied to reduce these credits. Appellant was convicted of a Category B felony, and thus, she was not entitled to retroactive application of the 2007 amendatory provisions of NRS 209.4465. NRS 484.219(3). Further, pursuant to NRS 209.4465(2), an inmate may only earn 10 days of work credits per month; thus, work credits are not calculated on a strictly day-by-day basis. Appellant has earned meritorious credits throughout her incarceration, and she failed to demonstrate that she was entitled to any additional meritorious credits. Appellant's challenge to the grievance process was a challenge to the conditions of confinement, which is outside the scope of claims that may be raised in a post-conviction petition for a writ of habeas corpus. Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984). Because appellant failed to demonstrate the violation of any constitutional rights, we affirm the order of the district court dismissing the petition.

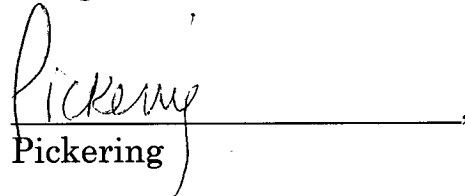
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that

briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Valorie Vega, District Judge  
Myesha De'Shane Young  
Attorney General Catherine Cortez Masto/Carson City  
Eighth District Court Clerk