

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE WALKER,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 53610

FILED

SEP 03 2009

TRACEE 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 denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

On November 6, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of time served as it related to two separate judgments of conviction—C84397 (a 1988 conviction) and C169019 (a 2001 conviction). In his petition, appellant claimed that the Nevada Department of Corrections incorrectly calculated his credits in C84397 by failing to provide him with flat time credit, failing to provide him with adequate credits for his time in a conservation camp, failing to give him adequate work credits for every month served, failing to give him meritorious credits for aid in a flood and fire in 1996 and 1997, and failing to give him statutory good time credits for the period of time he was on

parole. He further claimed that the Department improperly calculated his credits in C169019 by failing to provide him with 20 days of statutory good time credits retroactively to the 2007 amendments to NRS 209.4465 and failing to provide him with adequate work credits. Appellant further complained that the Department's manner of calculating credits was too complex and that he was the victim of retaliation from prison staff. Appellant subsequently amended the petition to remove his claim seeking retroactive application of amendments to NRS 209.4465. 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 March 5, 2009, the district court denied the petition. This appeal followed.

Preliminarily, we note that appellant's claims relating to the complexities in the manner of calculating credits and claims relating to retaliation were improperly raised in the petition as they did not specifically challenge the computation of time served. NRS 34.724(2)(c). Therefore, we conclude that the district court did not err in denying these claims.

With respect to his claims relating to C84397, appellant's claims for relief were rendered moot by the expiration of his sentence in C84397. In Johnson v. Director, this court determined that the expiration of a sentence rendered moot a computation of time served claim relating to a particular sentence, even when that sentence ran consecutively to

another sentence causing the petitioner to be continuously incarcerated. 105 Nev. 314, 316 n.4, 744 P.2d 1047, 1049 n.4 (1989). Because appellant expired serving his last sentence in C84397 on November 13, 2002, any claims relating to the computation of time served in C84397 were moot and could not be raised in a petition filed in 2008. Therefore, we conclude that the district court did not err in denying these claims.

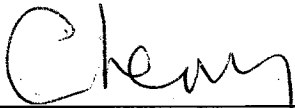
Finally, with respect to his claims relating to C169019, appellant failed to demonstrate that he was entitled to any additional credits.¹ Simply stating that one did not receive all work credit is insufficient to demonstrate the Department erred in computing credits. Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). The documents before this court do not indicate any errors in application of statutory credits pursuant to NRS 209.4465. Therefore, we conclude that the district court did not err in denying these claims.

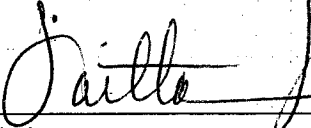
Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that


¹To the extent that appellant claimed that he should have received more credit in C169019 because he would have started the sentence earlier had no errors been made in computing time served in C84397, appellant's claim was without merit. Because appellant's challenge to the computation of time served in C84397 was rendered moot by expiration of his sentence in C84397, appellant's claim for a different start date in C169019 must likewise fail.

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.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Tyrone Walker
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.