

IN THE SUPREME COURT OF THE STATE OF NEVADA

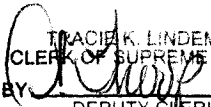
WESLEY R. STEAD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53781

**FILED**

**MAR 10 2010**

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a timely post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his petition filed on January 8, 2009, appellant argued that his plea was not voluntary because he did not receive 271 days of jail time credit which he claimed was promised to him in exchange for his plea. Appellant further claimed that he was actually innocent.

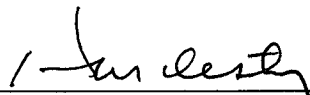
Appellant failed to demonstrate that his plea was involuntary because he failed to demonstrate that any promise of jail time credits was made. See Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986) (holding that a guilty plea is presumptively valid and a defendant carries

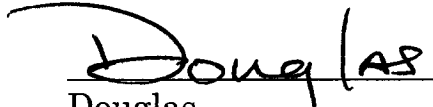
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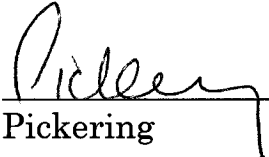
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

the burden of establishing that the plea was not entered knowingly and intelligently). A promise of jail time credits was not included in the plea agreement. Appellant's bare allegation that this promise was made is not supported by specific facts that, if true, would warrant relief. See Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Appellant has not demonstrated that he was entitled to additional presentence credits in this case. See NRS 176.055(1). Further, appellant's claim that he was actually innocent was not supported by specific facts that, if true, would warrant relief. Hargrove, 100 Nev. at 502, 686 P.2d at 225. Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Elissa F. Cadish, District Judge  
Wesley R. Stead  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk