

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELLY DENNIS JORY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34916

FILED

MAR 17 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court granting the State's petition to transfer appellant to the custody of California authorities pursuant to the Interstate Agreement on Detainers Act. See NRS 178.620.

Appellant opposed the State's petition to transfer custody because he claimed that his speedy trial rights were violated. See NRS 178.620 (Article III(a) (requiring a trial within one hundred and eighty days after the defendant has "caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition")). Specifically, appellant claimed that his speedy trial rights were violated as a result of Nevada's failure to transmit to California authorities his September 24, 1998 "Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Informations or Complaints." See NRS 178.620 (Article III(b) (requiring the sending state to promptly forward a defendant's written notice and request for final disposition to the appropriate prosecuting official and court)). Appellant argued that the Nevada courts should dismiss the California charges because of the alleged speedy trial violation.

Based upon our review of the record on appeal, we conclude that the district court did not err in granting the State's petition for transfer of custody. See NRS 178.620 (Article V(c)); see also *Fex v. Michigan*, 507 U.S. 43 (1993) (holding that the one hundred and eighty day time period does not

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begin to run until the defendant's request for final disposition of charges has actually been delivered to the court and prosecuting officer of the jurisdiction that lodged the detainer against him). Having reviewed the record on appeal, 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), cert. denied, 423 U.S. 1077 (1976). Accordingly, we

ORDER this appeal dismissed.

<u>Young</u>	J.
<u>Agosti</u>	J.
<u>Leavitt</u>	J.

cc: Hon. Lee A. Gates, District Judge
Attorney General
Clark County District Attorney
Kelly Dennis Jory
Clark County Clerk