

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLEN WHITE,  
Appellant

vs.

THE STATE OF NEVADA AND  
HOWARD SKOLNIK,  
Respondents.

No. 55601

FILED

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingraham  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

Having reviewed the record on appeal, we conclude that substantial evidence supports the decision of the district court to deny relief and that the district court did not err as a matter of law. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). We therefore affirm

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

the denial of the petition for the reasons stated in the attached district court order. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. James Todd Russell, District Judge  
Allen White  
Attorney General/Carson City  
Carson City Clerk

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ALAN GLOVER  
CLERK  
BY *[Signature]*  
REPLY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE CARSON CITY

ALLEN WHITE, )  
 )  
 ) Petitioner, )  
 )  
 ) vs. )  
 )  
 ) STATE OF NEVADA, *et al.*, )  
 )  
 ) Respondents. )

Case No. 09 EW 00045 1B  
Dept. No. I

**ORDER DENYING WRIT OF HABEAS CORPUS**

This Court has considered Allen White's (White) petition for writ of habeas corpus and the Respondents' answer in response to the petition and having reviewed the documents and being fully advised of the premises makes the following findings of fact, conclusions of law and enters the following order:

White was sentenced to two consecutive sentences of 24 to 120 months in the Nevada State Prison. Memorandum of Points and Authorities at 2. In the state petition, White contends that he was not given a parole hearing until after the minimum sentence of the first sentence. *Id.* Further, White asserted that he has not been given a parole hearing on the second sentence at all, therefore, his sentence exceeded the statutory limit. *Id.*

White's arguments have no merit. Contrary to White's assertions, the records of the parole board indicate that White received a parole hearing and was denied parole on September 15, 2003. *See Exhibit One to State's Answer.* Therefore, White's first parole hearing was within the correct time period.

1 As to the timing of the September 11, 2006, parole hearing, the parole board held the hearing  
2 within three years of White's first parole denial. Memorandum of Points and Authorities at 2.  
3 NRS 213.142 states that once the board has held a hearing and denied parole, a re-hearing must be held  
4 within three years of the denial. NRS 213.142 (1). White's second parole hearing was within  
5 three years of his first parole denial. No denial of rights occurred. White is not entitled to relief.

6 As to White's claim regarding his consecutive sentence, the arguments are without merit. White  
7 seems to misunderstand the concept of a consecutive sentence. White alleges that he should have  
8 received a parole hearing on the consecutive sentence before the expiration of his first sentence. This  
9 argument has no merit. White does not begin his consecutive sentence until granted parole on the  
10 expiration of the first sentence. There is no evidence in the record that a parole hearing was held after  
11 White served the minimum term of his consecutive sentence. Therefore, no violation occurred.

12 Based on the above:

13 **IT IS HEREBY ORDERED** that the petition for a writ of habeas corpus filed in this case  
14 is DENIED.

15 ORDERED this 8th day of February, 2010.

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19 DISTRICT COURT JUDGE  
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22  
23

24 SUBMITTED BY:

25 CATHERINE CORTEZ MASTO  
26 Attorney General  
27 TROY C. JORDAN  
28 Deputy Attorney General  
Bureau of Criminal Justice  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(775) 684-1273