

IN THE SUPREME COURT OF THE STATE OF NEVADA

GENE EDWARD THOMAS,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, JACK
PALMER AND THE STATE OF
NEVADA,
Respondents.

No. 55813

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingorsu
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.¹ Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

In his petition, appellant challenged the calculation of his sentence structure. 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). Accordingly, for the reasons set forth in the district court's order, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

¹This 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).

cc: Hon. Richard Wagner, District Judge
Gene Edward Thomas
Attorney General/Carson City
Pershing County Clerk

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1 Case No. PI 09-0699

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IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF PERSHING

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* * * *

10 GENE EDWARD THOMAS,)

11 Petitioner,)

12 vs.)

ORDER

13 JACK PALMER, et al.,)

14 Respondents.)

15)

16 _____)

17 Petitioner filed a Petition for Writ of Habeas Corpus

18 on October 22, 2009. On October 29, 2009, this Court issued an

19 Order for Respondent's to respond. On January 12, 2010

20 Respondents filed a Response to Petition for Writ of Habeas

21 Corpus, and on January 21, 2010, Petitioner filed a Reply to

22 Response to Petition for Writ of Habeas Corpus. Finally, on

23 March 24, 2010 Respondent's filed a Request for Submission.

24 The Court, having reviewed the pleadings, as well as

25 the exhibits, finds that there is no evidence that the Nevada

1 Department of Corrections (NDOC) is treating the Petitioner's
2 convictions inappropriately. This Court finds from the
3 evidence before it that the NDOC is acting in accordance with
4 the Judgment of Convictions.

5 Respondents have presented evidence that NDOC is
6 running Count 6 of Case No. 182695 concurrent to all other
7 counts in that case. This Court found in an Order dated
8 January 11, 2007 that Petitioner's sentence structure was being
9 treated appropriately in accordance with the Judgment of
10 Convictions. Nothing has changed by those responsible for
11 calculating Petitioner's time in the prison system as set forth
12 in an affidavit by Respondents.
13

14 Therefore, because the sentence structure has not
15 changed, and this Court finds that the NDOC is acting in
16 accordance with the Judgment of Convictions, Petitioner's
17 Petition for Habeas Corpus is hereby DENIED.
18

19 IT IS SO ORDERED.

20 DATED this 30th day of March, 2010.

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23 RICHARD A. WAGNER
24 DISTRICT JUDGE
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