

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME MAURICE BOTIZ,  
Appellant,  
vs.  
WARDEN, SOUTHERN DESERT  
CORRECTIONAL CENTER, BRIAN  
WILLIAMS,  
Respondent.

No. 56715

**FILED**

**MAY 09 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
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.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

In his petition filed on May 25, 2010, appellant first sought credit for time spent on house arrest from February 1, 2006 to November 21, 2006. Appellant failed to demonstrate that he was entitled to the credits because house arrest is not confinement within the meaning of NRS 176.055. State v. Dist. Ct. (Jackson), 121 Nev. 413, 418-19, 116 P.3d 834, 837 (2005). Therefore, the district court did not err in denying this claim.


Second, appellant claimed that he earned a high school diploma while incarcerated and was entitled to 90 days of credits pursuant

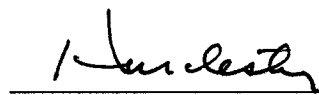
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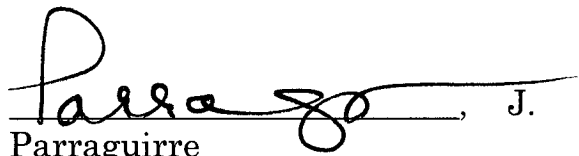
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

to NRS 209.4465, yet he asserted he did not receive those credits. Appellant may not challenge the computation of time served in the same petition as his claim concerning a challenge to credit for time spent on house arrest, NRS 34.738(3), which was a challenge to the judgment of conviction, Griffin v. State, 122 Nev. 737, 739, 137 P.3d 1165, 1166 (2006) (overruling Pangallo v. State, 112 Nev. 1533, 930 P.2d 100 (1996)). Appellant may file a separate petition alleging specific facts concerning credits earned pursuant to NRS 209.4465 in the county in which he is incarcerated. NRS 34.738(1). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

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

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge  
Jerome Maurice Botiz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk