

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE WINSTON REEKS A/K/A JOSEPH  
WINSTON REEKS,

Appellant,

vs.

WARDEN, NEVADA STATE PRISON,  
GREGORY SMITH; AND HOWARD  
SKOLNIK, DIRECTOR, NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondents.

No. 57063

**FILED**

**JUN 08 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
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> First Judicial District Court, Carson City; James E. Wilson, Judge.

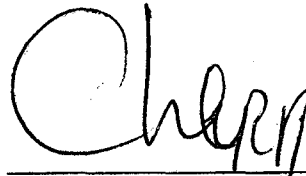
Having reviewed the record on appeal, we conclude that substantial evidence supports the decision of the district court to deny relief and that the district court did not err as a matter of law. Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994). We therefore affirm

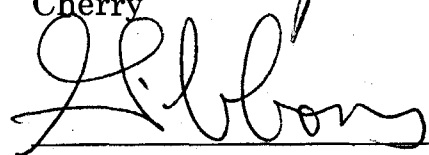
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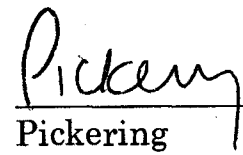
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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.<sup>2</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

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

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

The State has filed a motion to strike pages 89-92 of the proper person appendix submitted by appellant in this matter as these documents were not presented to the district court. We grant the motion and have considered only those documents and arguments presented to the district court.

cc: Hon. James E. Wilson, District Judge  
Joe Winston Reeks  
Attorney General/Reno  
Carson City Clerk

REC'D & FILED

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BY IS CLERK  
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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR CARSON CITY  
8

9 JOE WINSTON REEKS,

CASE NO. 10 EW 00007 1B

10 Petitioner,

DEPT. 2

11 vs.

12 GREG SMITH, et al.

ORDER DENYING PETITION FOR  
WRIT OF HABEAS CORPUS

13  
14 Joe Reeks petitioned for a writ of habeas corpus. Mr. Reeks argues "after [Mr.  
15 Reeks] was paroled on Count II, the Department of Corrections [NDOC], Timekeeper's  
16 Office determined he would have to serve 48 months on Count III, even though it runs  
17 concurrently to Count I, because 'the back end' of Count III is 48 months more than  
18 Count I." Mr. Reeks did not provide any evidence to support his argument.

19 The State submitted an affidavit of Shelly Williams, Correctional Case Records  
20 Manager. The affidavit indicates Mr. Reeks's sentence on Count I discharged on July 11,  
21 2003 and the sentence on Count II commenced on July 12, 2003. He was paroled to the  
22 deadly weapon consecutive sentence on Count II on November 11, 2008 and that  
23 sentence commenced on November 12, 2008. He continues to serve the Count II  
24 sentence.

25 The affidavit also states Mr. Reeks discharged the Count III sentence on  
26 December 27, 2005.

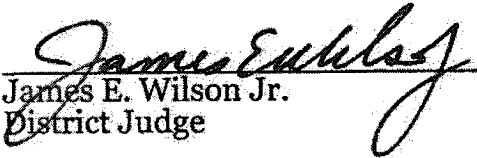
27 Mr. Reeks agreed a hearing is not necessary.

28 Mr. Reeks has not provided evidence NDOC failed to correctly construe the

1 sentences or failed to correctly grant credits against the sentences. Based upon the  
2 affidavit of Shelly Williams the court finds NDOC has correctly construed the sentences  
3 and correctly granted credits against the sentenced. A hearing is not necessary.

4 The petition for writ of habeas corpus is denied.

5 October 7, 2010.


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8 James E. Wilson Jr.  
9 District Judge

10  
11 **CERTIFICATE OF SERVICE**

12 Pursuant to NRCP 5(b), I certify that I am an employee of The Honorable James  
13 E. Wilson, and I certify that on this 7 day of October, 2010, I deposited for mailing at  
14 Carson City, Nevada, or caused to be delivered by messenger service, a true and correct  
15 copy of the foregoing order and addressed to the following:  
16

17 Richard F. Cornell, Esq.  
18 150 Ridge Street, Second Floor  
19 Reno, NV 89501

20 Robert E. Wieland, Esq.  
21 5420 Kietzke lane, Suite 202  
22 Reno, NV 89511

23  
24   
25 Susan Greenburg  
26 Judicial Assistant  
27  
28