

IN THE SUPREME COURT OF THE STATE OF NEVADA

OBED ORLANDO PIGG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35479

FILED

JAN 30 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from orders of the district court denying appellant's post-conviction petitions for writs of habeas corpus and appellant's motions to amend the judgment of conviction to include jail time credits.

On March 18, 1999, the district court convicted appellant, pursuant to a plea of no contest, of one count of invasion of the home. The district court sentenced appellant to serve a term of 24 to 60 months in the Nevada State Prison to run concurrently to another district court case. Appellant did not file a direct appeal.

On August 25, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. On November 19, 1999, appellant filed a second proper person post-conviction petition for a writ of habeas corpus in the district court. On August 25, 1999, appellant filed a motion to amend his judgment of conviction to include jail time credits in the district court. On November 23, 1999, appellant filed a second motion to amend his judgment of conviction to include jail time credits in the district court. On December 6, 1999, the district court denied appellant's petitions and appellant's motions. This appeal followed.

In his August 25, 1999 petition, appellant alleged that his plea was involuntary. Specifically, appellant alleged that he was coerced into the plea bargain which was not fulfilled and that he signed a contract with the prosecutor which the prosecutor "renegeed". Appellant failed to provide any facts in support of his allegations. See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). Therefore, the district court did not err in denying this petition.

In appellant's November 19, 1999 petition, he alleged that the prosecution breached the plea agreement because the district court implemented a sentence that ran consecutive instead of concurrent to another district court case. Appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus in the district court. See NRS 34.810(2). Therefore, appellant's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.810(3). Appellant did not attempt to demonstrate good cause and prejudice. Thus, we conclude that the district court did not err in denying this petition.

In appellant's motions for an amended judgment of conviction to include jail time credit, appellant contended that he was entitled to 180 days of jail time credit for time spent in presentence custody from August 5, 1998 until March 19, 1999. We conclude that the district court did not err in denying appellant's motions because appellant has failed to demonstrate that he is entitled to any additional jail time credit. See NRS 176.055; see also Hargrove, 100 Nev. 498, 686 P.2d 222.

Having reviewed the record on appeal, and for the reasons set forth above, 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 affirm the order of the district court.

It is so ORDERED.¹

Young J.
Young
Rose J.
Rose
Becker J.
Becker

cc: Hon. James W. Hardesty, District Judge
Attorney General
Washoe County District Attorney
Obed Orlando Pigg
Washoe County Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.