

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN WITHEROW,

No. 35785

Appellant,

vs.

WARDEN, NORTHERN NEVADA  
CORRECTIONAL CENTER, GEORGE GRIGAS,

Respondent.

**FILED**

MAR 08 2001

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.<sup>1</sup> Accordingly, we affirm the order of the district court.

It is so ORDERED.

*Young* \_\_\_\_\_ J.  
Young  
*Rose* \_\_\_\_\_ J.  
Rose  
*Becker* \_\_\_\_\_ J.  
Becker

cc: Hon. Michael R. Griffin, District Judge  
Attorney General  
John Witherow  
Carson City Clerk

<sup>1</sup>See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

REC'D & FILED

1 Case No. 98-00617H

'00 FEB 29 10:24

2 Dept. No. 1

3 ALAN GLOVER  
BY M. Dolk CLERK  
4 DEPUTY

5  
6 IN THE FIRST JUDICIAL DISTRICT OF THE STATE OF NEVADA  
7 IN AND FOR CARSON CITY  
8

9 JOHN WITHEROW,

10 Petitioner,

11 vs.

ORDER

12 GEORGE A. GRIGAS, Warden,

13 Respondent.

14 THIS MATTER was remanded to this Court by the Nevada Supreme Court's Order of Remand  
15 entered on January 12, 2000, in Case No. 33158. The Nevada Supreme Court concluded that this Court  
16 "erred in determining that appellant's (WITHEROW) claim for credit was precluded by NRS  
17 213.1519(1)(a)." Order of Remand at p. 3. The Nevada Supreme Court has instructed this Court to  
18 "determine the appropriate amount of credit, if any, to which appellant (WITHEROW) is entitled for  
19 the time he spent actually confined prior to the revocation of his parole." *Id.* WITHEROW was  
20 arrested on July 24, 1997, and confined in the Washoe County Jail, after being charged with aggravated  
21 stalking. A hold was placed on WITHEROW by the Nevada Division of Parole and Probation the same  
22 day. WITHEROW's parole was eventually revoked by the Nevada Board of Parole Commissioners on  
23 November 13, 1997. WITHEROW has been given credit for this period of confinement. The Court has  
24 reviewed the file in this matter and, deeming itself fully advised, hereby enters its Order as follows:

25 /////

26 /////

27 /////

28 /////

1 NOW, THEREFORE, IT IS HEREBY ORDERED that JOHN WITHEROW has been properly  
2 given credit for all the time he spent actually confined prior to the revocation of his parole in this  
3 matter.

4 DATED this 29 day of February, 2000.

5  
6  
7 Michael R. Jett  
8 DISTRICT COURT JUDGE  
9  
10  
11

12 Submitted by:  
13 FRANKIE SUE DEL PAPA  
14 Attorney General

15 By: Joe Ward, Jr.  
16 JOE WARD, JR.  
17 Sf. Deputy Attorney General  
Litigation Division  
Attorney for Respondent

18  
19 c:\files\jw\witherow\order.doc  
20  
21  
22  
23  
24  
25  
26  
27  
28