## IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN WITHEROW,

Appellant,

vs.

WARDEN, NORTHERN NEVADA CORRECTIONAL CENTER, GEORGE GRIGAS,

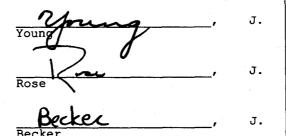
Respondent.

## 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.



No. 35785

FILED

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

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

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1	Case No. 98-00617H 00 FEB 29 A10:24	
2	Dept. No. 1	
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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:	
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_ 28	11111	
Office of the Attorney General 100 N. Carson St.	1	
Carson City, NV 89701-4717		

NOW, THEREFORE, IT IS HEREBY ORDERED that JOHN WITHEROW has been properly given credit for all the time he spent actually confined prior to the revocation of his parole in this matter. DATED this <u>29</u> day of <u>February</u> 2000. Michael R Inff DISTRICT COURT JUDGE Submitted by: FRANKIE SUE DEL PAPA Attorney General lez By: JOE WARD, JR Sf. Deputy Attorney General Litigation Division Attorney for Respondent Office of the Attorney General 100 N. Carson St. Carson City, NV 89701-4717