

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY LEE MONROE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 63576

FILED

JAN 16 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *Angela*  
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 challenging the computation of presentence credits.<sup>1</sup> Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

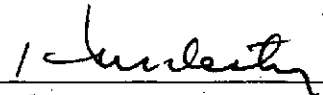
In his petition, filed on April 5, 2013, appellant claimed that he received ineffective assistance of counsel. To prove ineffective assistance of counsel, a petitioner must demonstrate that counsel's performance was deficient in that it fell below an objective standard of reasonableness, and resulting prejudice such that there is a reasonable probability that, but for counsel's errors, the outcome of the proceedings would have been different. *Strickland v. Washington*, 466 U.S. 668, 687-88 (1984); *Warden v. Lyons*, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting the test in *Strickland*). Both components of the inquiry must be shown. *Strickland*, 466 U.S. at 697.

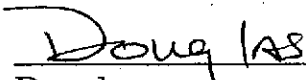
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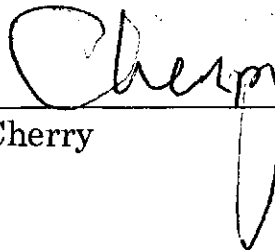
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Appellant claimed that counsel was ineffective for failing to ensure appellant received the proper amount of presentence credit. Appellant failed to demonstrate deficiency or prejudice. Appellant sought to have presentence credit applied to the instant case for time he spent serving an unrelated misdemeanor sentence while awaiting trial in the instant case. However, because appellant's allegations indicate that he was on probation from the misdemeanor conviction when he committed the instant crimes, he was not entitled to any presentence credit in the instant case until after he expired his misdemeanor sentence. See NRS 176.055(2)(b). We therefore conclude that the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Brent T. Adams, District Judge  
Anthony Lee Monroe  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk