

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARCOS CHALA,
Appellant,
vs.
DWIGHT NEVEN, WARDEN,
Respondent.

No. 67524

FILED

JUL 14 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Kerry Louise Earley, Judge.

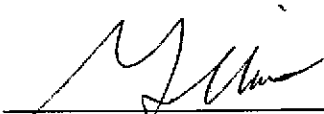
In his petition filed on May 8, 2014, appellant Marcos Chala asserted he should have already expired his prison term and he has been imprisoned after that supposed expiration. In response, the Attorney General's Office produced the Nevada Department of Corrections' (NDOC) credit history report, which projects Chala to expire his sentence in 2020. The district court concluded the NDOC had properly calculated Chala's sentence and substantial evidence supports that conclusion. *See Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Therefore, the district court did not err in denying the petition.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude 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).

15-900766

Next, Chala appeared to challenge his judgment of conviction by arguing he should receive a lesser sentence as he was not as culpable as his codefendant. As Chala's petition challenged the computation of time served, a challenge to the judgment of conviction cannot be raised in the same petition. *See* NRS 34.738(3). Any challenges to Chala's judgment of conviction must be raised in a separate post-conviction petition for a writ of habeas corpus filed in the county in which he was convicted.² *See* NRS 34.724(1); NRS 34.738(1). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Kerry Louise Earley, District Judge
Marcos Chala
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²We express no opinion as to whether Chala could meet the procedural requirements of NRS chapter 34.