

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LEE MONROE,
Appellant,
vs.
ISIDRO BACA (NDOC), WARDEN, THE
STATE OF NEVADA,
Respondent.

No. 68332

FILED

JAN 21 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting the State's motion to dismiss a postconviction petition for a writ of habeas corpus challenging the computation of time.¹ Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

In his petition filed on July 21, 2014, appellant Anthony Monroe claimed trial counsel was ineffective for failing to ensure he received the proper amount of presentence credit, and he requested credit for the 764 days he spent incarcerated in the county jail. Monroe's claim lacks merit.

To prevail on a claim of ineffective assistance of counsel, a petitioner must show that (1) counsel's performance was deficient because it fell below an objective standard of reasonableness and (2) the deficiency prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668, 687 (1984). Both prongs of the ineffective-assistance inquiry must be shown.


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


Id. at 697. We review the district court's resolution of ineffective-assistance claims de novo, giving deference to the court's factual findings if they are supported by substantial evidence and not clearly wrong. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005).

The district court found that Monroe's county jail time was credited to the sentence in his robbery case, Monroe began serving his sentence in the robbery case while he was still in jail, and the sentence in this case was imposed to run consecutively to the sentence in the robbery case. The district court concluded that Monroe received credit for his county jail time in the robbery case and was not entitled to credit in this case.

Our review of the record reveals the district court's factual findings are supported by substantial evidence and are not clearly wrong. We conclude that trial counsel's performance was not deficient and the district court correctly determined that Monroe was not entitled to additional presentence credit. See NRS 176.055(2)(a). Therefore, we affirm the district court's ruling in this appeal. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Lynne K. Simons, District Judge
Anthony Lee Monroe
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk