

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENARD TRUMAN POLK,  
Appellant,  
vs.  
ROBERT LEGRAND; MARIA WARD;  
AND SAMUEL CHAPMAN,  
Respondents.

No. 68465

**FILED**

**MAR 16 2016**

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 dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eleventh Judicial District Court, Pershing County; Michael Montero, Judge.

In his April 4, 2013, petition, appellant Renard Truman Polk first claimed the Nevada Department of Corrections improperly extended his sentence by 890 days due an unspecified miscalculation and due to his failure to make a financial payment. Polk did not demonstrate he was entitled to relief. Polk only made a bare allegation that his sentence was miscalculated, and did not explain or support this allegation. A bare allegation, such as this one, is insufficient to demonstrate a petitioner is entitled to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). In addition, the record demonstrates Polk is currently serving a life sentence and his sentence has not been improperly extended


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<sup>1</sup>This 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).

by 890 days. Therefore, the district court did not err in dismissing Polk's petition.

Second, Polk appeared to challenge his judgment of conviction by asserting he should be resentenced. As Polk'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 Polk'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.<sup>2</sup> *See* NRS 34.724(1); NRS 34.738(1). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

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<sup>2</sup>We express no opinion as to whether Polk could meet the procedural requirements of NRS chapter 34.

<sup>3</sup>We have reviewed all documents Polk has submitted in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Polk has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.

cc: Hon. Michael Montero, District Judge  
Renard Truman Polk  
Attorney General/Carson City  
Attorney General/Las Vegas  
Pershing County District Attorney  
Pershing County Clerk