

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK ROSS,

No. 36528

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

NOV 27 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

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.

On February 4, 2000, the district court convicted appellant, pursuant to a guilty plea, of one count of unlawful taking of a vehicle, a gross misdemeanor. The district court sentenced appellant to serve a term of one year in the Clark County Detention Center. Appellant received 86 days of credit for time served.

On May 15, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On July 28, 2000, the district court denied appellant's petition. This appeal followed.

In his petition, appellant argued that he was entitled to 65 days of good time credit. First, appellant contended that he was entitled to 10 days of good time credit per month for a total of 30 days for time spent incarcerated as a pretrial detainee from November 7, 1999, the date of his arrest, to

February 1, 2000, the date of sentencing, pursuant to NRS 209.4465 and NRS 211.320. Second, appellant contended that he was entitled to an additional 35 days of good time credit for the time he had spent incarcerated and for the future time that appellant speculated he would spend incarcerated at the Clark County Detention Center pursuant to the judgment of conviction. Appellant claimed that the Clark County Detention Center erroneously informed him that he was entitled to only 31 days of good time credit.

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Appellant has not demonstrated that he was entitled to 65 days of credit. First, NRS 209.4465 is not applicable to appellant because as a pretrial detainee he was not serving a term of imprisonment in prison pursuant to a judgment of conviction. Second, although NRS 211.320(5) may allow a pretrial detainee to earn good time credits, NRS 211.320(1)(a) limits a pretrial detainee to a deduction of not more than 5 days per month from the term of imprisonment. Appellant failed to provide any specific facts demonstrating that he was not receiving adequate good time credit for the time he had spent incarcerated; thus, he has not demonstrated that he was entitled to relief. See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984). Finally, the district court did not err in declining to consider appellant's claim about the number of credits he speculated he would earn during the remainder of his term.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d

910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

Accordingly, we affirm the order of the district court.

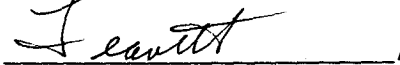
It is so ORDERED.¹



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Frederick Ross
Clark County Clerk

¹We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.