

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERNANDO THOMAS PIPER,
Appellant,
vs.
JAMES E. DZURENDA, DIRECTOR,
NDOC; AND NATALIE A. WOOD,
CHIEF OFFICER, NOPS, P&P,
Respondents.

No. 72739

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Fernando Thomas Piper appeals from an order of the district court denying his August 11, 2016, postconviction petition for a writ of habeas corpus challenging the computation of time served.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


Piper was sentenced for a 2012 grand larceny to a term of 30 to 84 months, which was suspended, and he was placed on probation for a period not to exceed 60 months. In his petition, Piper claimed the Nevada Department of Corrections failed to deduct statutory good time credits Piper earned pursuant to NRS 209.4465(1)(c) from his term of probation.


The district court misconstrued Piper's claim as seeking the application of statutory good time credits to his minimum sentence, and it denied the petition. We nevertheless affirm the district court's denial. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

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

To warrant relief, a petitioner must allege specific factual allegations that, if true and not belied by the record, would warrant relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). An offender is entitled to good time credits pursuant to NRS 209.4465(1)(c) when he has been “sentenced to prison for a crime committed on or after July 17, 1997,” and is in custody “pursuant to NRS 209.4886 or 209.4888.” Piper alleged only that his crime was committed after 1997; he did not allege, nor does the record suggest, he was in custody pursuant to NRS 209.4486 or NRS 209.4888. Piper thus failed to allege specific factual allegations that would have entitled him to relief, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Fernando Thomas Piper
Attorney General/Carson City
Carson City Clerk

²We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. *See NRS 34.750(1); Renteria-Novoa v. State*, 133 Nev. ___, ___, 391 P.3d 760, 760-61 (2017).