

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYRONE JOHNSON, A/K/A TASHAY
JOHNSON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 70892

FILED

FEB 16 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying appellant Tyrone Johnson's April 15, 2016, postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. Johnson challenges the computation of time he has served. We affirm.¹

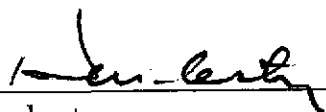
Johnson contends that the Nevada Department of Corrections (NDOC) is refusing to apply an unpublished order of this court to all inmates, thereby violating the inmates' constitutional rights to "equal rights protections." He further contends that the time within NDOC's time-computation system is fictional, thereby leading to cruel and unusual punishment. Johnson has failed to demonstrate that the unpublished order should apply to all inmates, and accordingly, this claim lacks merit. His argument regarding the time-computation system was not raised below, and we decline to consider it on appeal in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on*

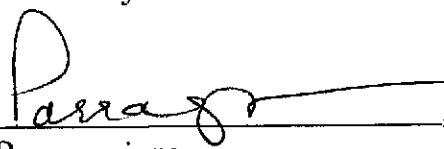
¹Having considered the pro se brief filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. *See* NRAP 34(f)(3).


other grounds by Means v. State, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004).

To the extent Johnson argues that the logic in the unpublished order, *Vonseydewitz v. LeGrand*, Docket No. 66159 (Order of Reversal and Remand, June 24, 2015), applies to him, his claim lacks merit. At issue in that case was the deduction of statutory good-time credits pursuant to a version of NRS 209.4465 that applied to crimes committed before July 1, 2007. See 2007 Nev. Stat., ch. 525, § 22, at 3196. Johnson's crimes were committed in 2013 and 2015.

Having concluded that Johnson's claims lack merit, we
ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Linda Marie Bell, District Judge
Tyrone Johnson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk