

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ANGELO HARGRAVES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69055

**FILED**

**MAY 17 2016**

FRANCIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

In his July 6, 2015, petition, appellant Michael Angelo Hargraves first claimed he was entitled to additional presentence credit. The district court found Hargraves was on parole for previous offenses when he was taken into custody for this offense. Therefore, Hargraves was not entitled to additional presentence credits. See NRS 176.055(2). Accordingly, Hargraves is not entitled to relief for this claim.

Next, Hargraves claimed he is not serving his sentence concurrently with his sentence for a different conviction despite the order of the district court. This claim challenged the computation of time served and cannot be raised in a postconviction petition for a writ of habeas corpus challenging the validity of the judgment of conviction. See NRS


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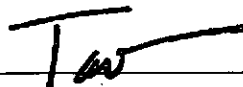
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. See NRAP 34(f)(3), (g).


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34.738(3). However, the denial of this claim would be without prejudice, allowing Hargraves to properly and separately file a postconviction petition for a writ of habeas corpus challenging the computation of time served in the county in which he is incarcerated. See NRS 34.724(1); NRS 34.730(2); NRS 34.738(1). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jennifer P. Togliatti, District Judge  
Michael Angelo Hargraves  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk