

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDALL GEORGE ANGEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37476

FILED

JUL 25 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction "motion for county jail time."

On March 10, 2000, the district court convicted appellant, pursuant to a guilty plea, of burglary. The district court sentenced appellant to serve a term of 36 to 96 months in the Nevada State Prison. On August 17, 2000, the district court entered a corrected judgment of conviction to include that appellant's sentence was to be served concurrently to any prior misdemeanor charges that defendant had been convicted of at the time that the judgment was rendered. Appellant voluntarily withdrew his direct appeal.¹

On January 28, 2001, appellant filed a proper person "motion for county jail time" in the district court. On February 1, 2001, the district court denied appellant's motion. This appeal followed.

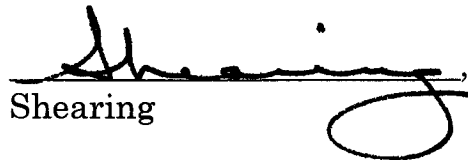
In his motion, appellant contended that he is entitled to 170 days of jail time credit for the time he spent incarcerated from June 5, 1999, until March 10, 2000.


¹See Angel v. State, Docket No. 35941 (Order Dismissing Appeal, June 12, 2000).

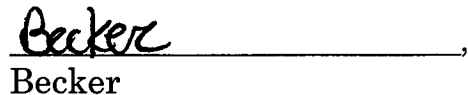
We conclude that the district court did not err in denying appellant's motion. The record reveals that appellant was incarcerated pursuant to a misdemeanor conviction at the time the judgment of conviction was entered in this case.² Thus, appellant is not entitled to the 170 days of jail time credit that he requested.³

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.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵

 J.
Shearing

 J.
Rose

 J.
Becker

²At the arraignment, appellant's attorney represented that appellant was currently serving a six-month sentence for a misdemeanor conviction. At sentencing, it was represented that appellant was not entitled to credit because it went to appellant's misdemeanor convictions.

³See NRS 176.055.

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁵We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Brent T. Adams, District Judge
Attorney General/Carson City
Washoe County District Attorney
Randall George Angel
Washoe District Court Clerk