

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TED ROBERT BASSETT,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN HDSP,
Respondent.

No. 81405-COA

FILED

DEC 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Cassidy
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ted Robert Bassett appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 20, 2018. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

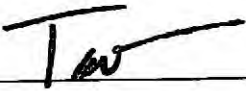
Bassett first claimed the Nevada Department of Corrections has failed to apply flat time credit to a sentence for a 2016 conviction that he has not yet begun to serve. Bassett has been serving a sentence of five years to life in prison since before he was sentenced for the 2016 conviction. Although the Board of Parole Commissioners (Parole Board) issued an order granting parole on Bassett's life sentence, it rescinded that order prior to Bassett's release when it learned Bassett was convicted of new charges. Because Bassett was never released on parole, he has been continuously serving his life sentence. *See Kelch v. Dir., Nevada Dep't of Prisons*, 107 Nev. 827, 830, 822 P.2d 1094, 1095 (1991) (differentiating between when a grant of parole is rescinded before an offender is released and when an offender is actually paroled). Only once he is paroled from his life sentence to the sentence for his 2016 conviction will he be entitled to flat time credit

for that sentence. We therefore conclude the district court did not err by denying this claim.

Bassett also challenged the Parole Board's decision to rescind the order granting parole. Bassett's claims were outside the scope of a postconviction petition for a writ of habeas corpus because they did not seek relief from a judgment of conviction or sentence or challenge the computation of time served. *See* NRS 34.720; NRS 34.724(1). We therefore conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Ted Robert Bassett
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk