

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM HENDERSON,

No. 37615

Appellant,

vs.

WARDEN, LOVELOCK  
CORRECTIONAL CENTER, JACKIE  
CRAWFORD,

Respondent.

FILED

JAN 02 2002

JANETTE M. BLOOM  
CLERK OF SUPREME CO.

BY *J. Ruback*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

In 1995, the district court convicted appellant, pursuant to a jury verdict, of two counts of sexual assault. The district court sentenced appellant to serve two concurrent terms of life in the Nevada State Prison with the possibility of parole. This court dismissed appellant's direct appeal from his judgment of conviction and sentence.<sup>1</sup>

On May 15, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On February 23, 2001, the district court denied appellant's petition. This appeal followed.

In his petition appellant contended that he is entitled to have his earned good time credits applied to his life sentences. Appellant further contended that the Nevada Department of Prison's refusal to apply good time credits to his life sentences violates the Due Process Clause, the Equal Protection Clause, the Cruel and Unusual Punishments Clause, and the Double Jeopardy Clause of the United States Constitution.

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<sup>1</sup>Henderson v. State, Docket No. 27418 (Order Dismissing Appeal, March 27, 1997).


02-00067

We conclude that the district court did not err in denying appellant's petition. This court has concluded, in construing the legislative intent of NRS 209.446, that the legislature did not intend for good time credits to be applied to a sentence of life in prison because there is no date from which the credit can be deducted.<sup>2</sup> Accordingly, the Department of Prisons is not required to apply earned good time credits to appellant's sentences of life in prison. Nonetheless, the Department of Prisons is required to keep a record of credits earned by a prisoner serving a life sentence because that sentence may later be modified. Appellant was sentenced to two concurrent terms of life in prison with the possibility of parole. Because appellant is serving two concurrent life sentences he is not entitled to the application of statutory good time credits against his sentences. Thus, we conclude that the district court did not err in determining that appellant's claims lacked merit.

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.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Richard Wagner, District Judge  
Attorney General/Carson City  
Pershing County District Attorney  
William Henderson  
Pershing County Clerk

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<sup>2</sup>See Hunt v. Warden, 111 Nev. 1284, 1285, 903 P.2d 826, 827 (1995).

<sup>3</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

<sup>4</sup>We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.