

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS CLAY WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37723

FILED

MAR 27 2002

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a motion for credits for time served.¹

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly denied appellant's motion. Therefore, briefing and oral argument are not warranted in this case.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young J.

Young

Agosti J.

Agosti

Leavitt J.

Leavitt

¹We note that appellant's motion was labeled "motion to correct illegal sentence." Although appellant's claim for credits should have been filed in a post-conviction petition for a writ of habeas corpus, we conclude that the district court properly considered appellant's motion and properly denied appellant the relief requested. See NRS 34.724(2)(c); Pangallo v. State, 112 Nev. 1533, 930 P.2d 100 (1996).

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

cc: Hon. Peter I. Breen, District Judge
Attorney General/Carson City
Washoe County District Attorney
Curtis Clay Williams
Washoe District Court Clerk

MAR 23 2001

AMY HARVEY, CLERK
By: *B. Williams*
DEPUTY

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IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR97-1572

CURTIS CLAY WILLIAMS,

Department 7

Defendant.

ORDER DENYING CREDIT FOR TIME SERVED

Defendant moves for the correction of an illegal sentence, asserting that he should have been given 180 days credit for time served in a Salvation Army sobriety program.

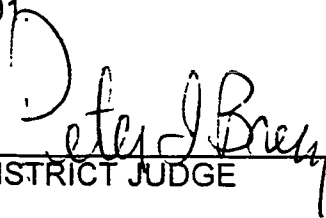
On March 24, 2000, this Court revoked Petitioner's probation after several violations, and several "second chances" for Plaintiff, sentencing him to his original sentence of twelve to thirty-six months in the Nevada State Prison, with 105 days credit for time served. Credit was given despite the fact that he waived his credit for time served, upon advice of his attorney, during a revocation hearing on November 5, 1999. Because the record repels Defendant's claim that he should be given an

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additional 75 days for time served, his motion is DENIED.

IT IS SO ORDERED.

Dated this 27 day of March, 2001.



DISTRICT JUDGE