

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND SORENSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38020

FILED

JUL 11 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's motion for an amended judgment of conviction to include jail time credits.

On March 17, 1995, the district court convicted appellant, pursuant to a guilty plea, of trafficking in a controlled substance. The district court sentenced appellant to serve a term of thirteen years in the Nevada State Prison, ordered appellant to pay a fine of \$100,000, and credited appellant one day for time served. The sentence was to run concurrently with a sentence in another district court case. Appellant did not file a direct appeal.

On May 4, 2000, appellant filed a proper person motion for an amended judgment of conviction to include jail time credits in the district court.¹ In opposition to the motion, the State argued that appellant was not entitled to any additional credit for time served because appellant was in custody pursuant to a federal case and another Nevada case and had already received credit for time served. The State failed to provide sufficient documentation supporting its argument. Appellant did not

¹Appellant titled his motion "Motion for the Court to Enforce Its Judgement Ordering That Petitioner Sorenson be Given Credit for the Time Spent in Custody When Detainer was Lodged Against Him by Nevada."

challenge any of the contentions raised in the State's opposition. On June 14, 2000, the district court denied appellant's petition. Appellant did not appeal this decision.

On December 19, 2000, appellant filed a second proper person motion for an amended judgment of conviction to include jail time credits in the district court. On January 19, 2001, the district court conducted a hearing on the motion. On August 6, 2001, the district court denied appellant's petition. This appeal followed.

In his motion, appellant contended that he was entitled to "a combined total of roughly 240 days" of jail time credit in the instant case for time spent in custody from September 1, 1994 to March 7, 1995.

NRS 34.724(2)(c) provides that a post-conviction petition for a writ of habeas corpus is "the only remedy available to an incarcerated person to challenge the computation of time that he has served pursuant to a judgment of conviction." Appellant's request for jail time credits is a challenge to the computation of time he has served. Therefore, appellant should properly have filed a petition for a writ of habeas corpus to challenge the computation of his jail time credits.²

Our review of the record indicates that appellant has failed to provide sufficient facts to warrant the relief requested.³ For the time period at issue, it appears that appellant may have been in custody pursuant to a federal case and another Nevada case. Appellant is not entitled to jail time credit for the amount of time spent in confinement

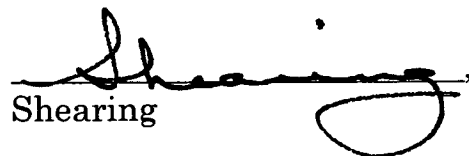
²See Pangallo v. State, 112 Nev. 1533, 1535, 930 P.2d 100, 102 (1996).


³See Pangallo, 112 Nev. at 1536, 930 P.3d at 102-03 (stating that an appeal will be dismissed if appellant has failed to meet the relevant statutory requirements, including the requirement of NRS 34.370(3), to provide a factual basis for the relief requested).

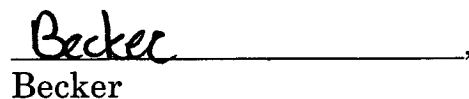
pursuant to a judgment of conviction for another offense.⁴ Based upon the record, we cannot determine whether appellant is entitled to additional credit for the stated time spent in custody because appellant failed to allege specific facts supporting his motion and the State failed to provide any documentation refuting his claim. Therefore, we affirm the district court's order without prejudice to appellant's right to file a habeas petition on this matter, properly supported by specific factual allegations.

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Shearing, J.


Rose, J.


Becker, J.

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Raymond Sorenson
Clark County Clerk

⁴See NRS 176.055.

⁵See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).