

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL GRIFFIN,  
Appellant,  
vs.  
WARDEN, NORTHERN NEVADA  
CORRECTIONAL CENTER, DON  
HELLING,  
Respondent.

No. 42207

FILED

JUN 04 2004

*[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On April 23, 2003, appellant filed a proper person post-conviction petition for a writ of habeas corpus. The State filed a motion to dismiss the petition. Appellant filed an opposition to the motion. On September 12, 2003, the district court dismissed appellant's petition. This appeal followed.

In his petition, appellant claimed that the Department of Corrections improperly failed to provide him with good time credits for the period of time that he was on parole. Appellant claimed that he was on parole from a 1994 conviction from June 1, 2000, through April 14, 2002, when he was arrested. Appellant claimed that he should have received an additional 235 days of credit. Appellant relied on NRS 209.447(2) in support of his argument that he was entitled to earn and apply good time credits while on parole.

NRS 209.447(2) provides that:

An offender who is sentenced after June 30, 1991, for a crime committed on or after July 1, 1985, and who is released on parole for a term less than life must, if he has no serious infraction of the terms and conditions of his parole or the laws of this state recorded against him, be allowed for the period he is actually on parole a deduction of 10 days from his sentence for each month he serves.

NRS 209.447(3) further provides that an offender is entitled to the deductions authorized by this section only if the offender satisfied the conditions of subsection 2. Credits earned pursuant to NRS 209.447 are deducted from the maximum term imposed and a record of the credits is maintained by the Director of the Department of Corrections.<sup>1</sup>

Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate that he was entitled to the relief sought. Appellant did not satisfy the conditions set forth in NRS 209.447(2). Appellant committed a serious infraction and violated the laws of this state while on parole—he was arrested for and subsequently convicted of armed robbery. Thus, appellant was not entitled to deduct good time credits earned pursuant to NRS 209.447 from his maximum sentence. Moreover, appellant forfeited all credits previously earned pursuant to NRS chapter 209 as a result of the parole revocation.<sup>2</sup> Finally, we note that the documents before this

---

<sup>1</sup>See NRS 209.447(4),(5).

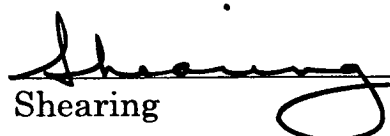
<sup>2</sup>See NRS 213.1519(1)(b). The fact that the parole revocation papers do not set forth the amount of credits forfeited does not alter the mandatory requirement that all credits earned pursuant to NRS chapter 209 are forfeited as a result of a parole revocation unless they are restored by the parole board. There is no indication in the record on appeal that

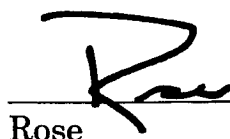
*continued on next page . . .*


court reveal that appellant has expired the terms imposed pursuant to the 1994 judgment of conviction. Thus, appellant's claim is moot.<sup>3</sup>

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>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

 \_\_\_\_\_, C.J.  
Shearing

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Douglas

---

*... continued*

the parole board restored any credits earned pursuant to NRS chapter 209.

<sup>3</sup>See Johnson v. Director, Dep't Prisons, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (stating that expiration of a defendant's sentence rendered any question concerning computation of the sentence moot).

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

<sup>5</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Michael R. Griffin, District Judge  
Samuel Griffin  
Attorney General Brian Sandoval/Carson City  
Carson City Clerk