

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VINCENT ARTHUR MOLINSKI,
Appellant,
vs.
THE STATE OF NEVADA; NEVADA
DEPARTMENT OF CORRECTIONS;
AND GREG COX, DIRECTOR,
Respondents.

No. 66453

FILED

JAN 21 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a petition for a writ of mandamus.¹ Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.


In his July 30, 2013, petition, appellant claimed that the Nevada Department of Corrections had improperly forced him to serve his sentences consecutively when the district court had actually sentenced him to serve concurrent terms.² Appellant's claim was without merit.


¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).


²We note that the district court properly construed the petition as a post-conviction petition for a writ of habeas corpus due to the nature of appellant's claim. *See* NRS 34.724(2)(c) (stating that a post-conviction petition for a writ of habeas corpus "[i]s the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction.").

Appellant was convicted of nine separate counts³ and the district court ordered that all individual counts are to be served concurrently. However, the district court also ordered appellant to serve consecutive terms for deadly weapon enhancements for three counts of robbery with the use of a deadly weapon. The documents submitted by the Nevada Department of Corrections demonstrate that the Department followed the district court's order. Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Steve L. Dobrescu, District Judge
Vincent Arthur Molinski
Attorney General/Carson City
White Pine County Clerk

³One count of burglary while in possession of a firearm, three counts of robbery with the use of a deadly weapon, burglary, two counts of robbery, and two counts of battery with the intent to commit a crime.