

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONY M. SMITH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72140

FILED

APR 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Tony M. Smith appeals from a judgment of conviction entered pursuant to an *Alford*¹ plea of voluntary manslaughter with the use of a deadly weapon. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

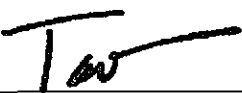
Smith argues the Nevada Department of Corrections (NDOC) failed to properly calculate his statutory credits and, due to that failure, detained him in custody after the expiration of his sentence. This claim challenges the computation of Smith's time served. A postconviction petition for a writ of habeas corpus "[i]s the only remedy available to an incarcerated person to challenge the computation of time that person has served pursuant to a judgment of conviction." NRS 34.724(2)(c). Because a postconviction petition for a writ of habeas corpus is the only remedy available for Smith to challenge the NDOC's computation of his sentence, he may not pursue such a challenge in an appeal from his judgment of

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

conviction. Therefore, we decline to consider this claim. Because Smith raises no other issues on appeal, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Eighth Judicial District Court
Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk