

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT ADAM MCGUFFEY,
Appellant,
vs.
ISIDRO BACA, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 75170-COA

FILED

NOV 16 2018

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

ORDER OF AFFIRMANCE

Robert Adam McGuffey appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 13, 2017.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

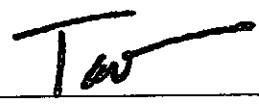
McGuffey challenged the computation of time he has served, claiming the Nevada Department of Corrections (NDOC) failed to apply all of his statutory good-time, labor, and educational credits to calculate his expiration date. A petitioner is not entitled to relief where he fails to raise claims supported by specific factual allegations that, if true and not repelled by the record, would entitle him to relief. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). McGuffey claimed he began serving his sentence in January 2013 and, had NDOC been properly applying his credits, he should expire it in May 2018.

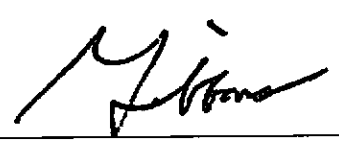
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

McGuffey failed to demonstrate he was entitled to relief. First, NDOC records indicate that in October 2014 he expired the sentence he began to serve in January 2013. Second, McGuffey's largely bare claim failed to specify how much credit he believed he was entitled to for each class and for each unit of labor and when the class or labor was done. Third, to the extent he claimed he was being denied credit for a ServeSafe class and firefighting, his claims were belied by the record. And finally, to the extent he claimed he was entitled to labor credits so long as he was willing and able to work, even if no work was available, NRS 209.4465(2) requires prisoners to actually work to earn the labor credits. We therefore conclude the district court did not err by denying McGuffey's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Robert Adam McGuffey
Attorney General/Carson City
Carson City Clerk