

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY BONA ALANDY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75077-COA

**FILED**

JAN 17 2019

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

*ORDER OF AFFIRMANCE*

Anthony Bona Alandy appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 22, 2017.<sup>1</sup> Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Relying upon NRS 209.4465, Alandy claimed he was entitled to 20 days of statutory credit for every 30 days he spent in presentence confinement. However, NRS 209.4465 only applies to “offenders” and people in presentence confinement are not “offenders” for purposes of this statute. *See* NRS 209.432(1) (defining “offender” as used in NRS 209.4465).


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<sup>1</sup>This 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).

Accordingly, we conclude the district court did not err by denying Alandy's petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, A.C.J.  
Douglas

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge  
Anthony Bona Alandy  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>2</sup>To the extent Alandy claimed he was deprived of equal protection of the law, we conclude his claim is without merit because people in presentence confinement are not similarly situated to offenders serving sentences for felony convictions. *See Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000).

We further conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. *See* NRS 34.750(1); *Renteria-Nova v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017).