

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Appellant,
vs.
DWIGHT NEVEN, WARDEN, HDSP,
Respondent.

No. 75155

FILED

FEB 20 2019

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying Steven Samuel Braunstein's postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Braunstein argued that the credits he earns under NRS 209.4465 should be applied to the minimum term of his sentence for the offense of attempted possession of stolen property. See NRS 209.4465(7)(b). The district court denied the petition because Braunstein currently is serving two concurrent sentences of life with the possibility of parole after 20 years and has not yet started to serve the consecutive sentence for the attempted-possession-of-stolen-property conviction.² Having reviewed the

¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); see also NRAP 31(d)(1); *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²The Nevada Court of Appeals affirmed the district court order denying an identical petition in which Braunstein argued that the statutory credits should be applied to the minimum term of his life sentences for sexual assault of a minor. *Braunstein v. Neven*, Docket No. 72516-COA (Order of Affirmance, March 14, 2018).

record, we conclude that the district court did not err because Braunstein's challenge to the computation of time served is premature as to a sentence that he has not yet begun to serve. The other grounds asserted in the petition challenged the validity of the judgment of conviction and sentence and were not properly joined in a petition challenging the computation of time served. *See* NRS 34.738(3). For these reasons, we

ORDER the judgment of the district court AFFIRMED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. Linda Marie Bell, Chief Judge
Steven Samuel Braunstein
Attorney General/Las Vegas
Eighth District Court Clerk