

IN THE SUPREME COURT OF THE STATE OF NEVADA

MCKINLEY SCOTT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38717

FILED

JUL 11 2002

ORDER OF AFFIRMANCE

JANE TTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On January 27, 1978, the district court convicted appellant, pursuant to a guilty plea, of one count of robbery with the use of a deadly weapon and one count of battery with the use of a deadly weapon. The district court sentenced appellant to serve terms totaling 40 years in the Nevada State Prison. Appellant did not file a direct appeal.

On December 14, 1993, appellant filed a post-conviction petition for a writ of habeas corpus. The district court denied the petition. On September 29, 1994, this court dismissed appellant's subsequent appeal.<sup>1</sup>

---

<sup>1</sup>Scott v. State, Docket No. 25952 (Order Dismissing Appeal, September 29, 1994).

On August 6, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State filed a motion to dismiss. Appellant filed an opposition to the motion. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On September 20, 2001, the district court denied appellant's petition. This appeal followed.

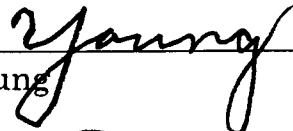
In his petition, appellant contended that from the time he was convicted in 1977 until June of 2001, the prison did not properly calculate all of the credits he earned while in prison. Specifically, he claimed that he was entitled to 152 days of "work-time," 180 days of "fire-time" for working as a fireman while he was incarcerated from August 1982 to March 1984, 150 days of "blood-time" for donating blood while he was incarcerated from 1979 to 1985, 90 days of "meritorious-time" for completing 3 years of college and receiving an associate degree while incarcerated in 1981, and an additional 60 days of "meritorious-time" for completing drug and alcohol courses while incarcerated.

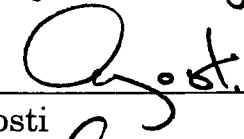
Our review of the record on appeal reveals that the district court did not err in denying appellant's petition. Appellant failed to support his claims with sufficient specific factual allegations that demonstrate he was entitled to the credits requested.<sup>2</sup>


---

<sup>2</sup>See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984); see also Pangallo v. State, 112 Nev. 1533, 930 P.2d 100 (1996).

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>3</sup> Accordingly, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Jack Lehman, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
McKinley Scott  
Clark County Clerk

---

<sup>3</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).