

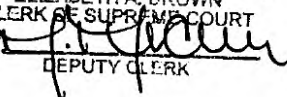
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICHARD DEEDS,  
Appellant,  
vs.  
CALVIN JOHNSON, WARDEN,  
Respondent.

No. 87280-COA

FILED

APR 29 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Richard Deeds appeals from a district court order denying a “petition for writ of habeas corpus (postconviction)” filed on December 8, 2022.<sup>1</sup> Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Deeds contends the district court erred by denying his petition challenging the revocation of his parole because the district court’s interpretation of NRS 176.035(3) contradicts the subsection’s plain language. In 1980, Deeds was sentenced to two consecutive terms of life in prison with the possibility of parole in district court case no. C46366 (1980 case), and in 1982, he was sentenced to a consecutive term of five years in prison in district court case no. 46036 (1982 case). In 1994, Deeds was paroled from his first life sentence to his second life sentence; in 2019, he was paroled from his second life sentence and began serving his sentence in the 1982 case; and in 2021, Deeds was released on parole. Because Deeds thereafter committed a new gross misdemeanor, his parole was revoked,

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<sup>1</sup>The district court determined that Deeds’ claim was properly raised in a petition for a writ of habeas corpus under NRS 34.360.

and he was returned to prison to continue serving his sentences. In his petition, Deeds claimed that pursuant to NRS 176.035(3), the act of granting him parole to begin serving his 1982 case necessarily resulted in the expiration of his life sentences for his 1980 case.

NRS 176.035(3) states as follows:

Except as otherwise provided in this section, whenever a person under sentence of imprisonment for committing a felony commits another crime constituting a felony and is sentenced to another term of imprisonment for that felony, the latter term must not begin until the expiration of all prior terms, including the expiration of any prior aggregated terms.

“When interpreting a statute, the objective is to give effect to the Legislature’s intent. To determine legislative intent, we first look to the statute’s plain language.” *McCord v. State*, 139 Nev., Adv. Op. 59, 540 P.3d 433, 437 (2023) (internal quotation marks and citation omitted). “When a statute is clear on its face, it is unambiguous, and the court may not go beyond it to determine legislative intent.” *Sena v. State*, 138 Nev., Adv. Op. 34, 510 P.3d 731, 745 (2022). Moreover, this court has a duty to construe statutes as a whole. *McCord*, 139 Nev., Adv. Op. 59, 540 P.3d at 437.

Deeds contends that because NRS 176.035(3) requires “the expiration of all prior terms” before he could begin serving his sentence for his 1982 case, his parole to his prison sentence for his 1982 case necessarily resulted in the expiration of his life sentences in his 1980 case. However, by the statute’s plain language, this requirement applies “[e]xcept as otherwise provided in this section.” NRS 176.035(3). NRS 176.035(8) provides that the statute does not prohibit the Nevada “Board of Parole Commissioners [Parole Board] from paroling a person under consecutive sentences of imprisonment from a current term of imprisonment to a

subsequent term of imprisonment.” As such, a defendant need not expire the maximum sentence in all prior terms before he may be paroled to a subsequent term of imprisonment.

Moreover, a defendant’s sentence does not expire simply because they are granted parole. Rather, the defendant “remains subject to an unexpired term of imprisonment,” and “[i]f the parolee violates a condition of parole, he may be imprisoned on the unexpired sentence.” *Coleman v. State*, 130 Nev. 190, 194, 321 P.3d 863, 866 (2014); *see also* NRS 213.1519. Therefore, Deeds fails to demonstrate that his life sentences expired when he was paroled to another sentence or that the Parole Board violated his due process rights when it revoked parole as to his life sentences. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Erika D. Ballou, District Judge  
Richard Deeds  
Attorney General/Carson City  
Clark County District Attorney  
Attorney General/Las Vegas  
Eighth District Court Clerk