

IN THE SUPREME COURT OF THE STATE OF NEVADA

RODERICK LAMAR HYMON,
Appellant,
vs.
WARDEN, HIGH DESERT STATE
PRISON, DWIGHT NEVEN,
Respondent.

No. 53092

FILED

JUN 25 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

On October 21, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of time served. The State opposed the petition. On January 2, 2009, the district court denied the petition. This appeal followed.

In his petition, appellant claimed that the Department of Corrections violated various constitutional rights by improperly calculating his credit for time served. Specifically, appellant claimed that pursuant to the 2007 amendments to NRS 209.4465 he should have received 20 days of statutory good time credits for each month served.

The 2007 Nevada Legislature amended NRS 209.4465 to increase the amount of statutory good time credits earned by an offender,



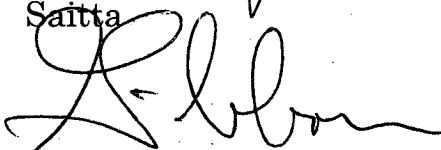
who had committed a crime on or after July 1, 1997, from a deduction of 10 days per month to a deduction of 20 days per month. 2007 Nev. Stat., ch. 525, § 5, at 3176 (NRS 209.4465(1)). The Legislature further provided that for certain offenders statutory good time credits would be applied to eligibility for parole and must be deducted from the minimum term imposed until the offender becomes eligible for parole. 2007 Nev. Stat., ch. 525, § 5, at 3177 (NRS 209.4465(8)). These amendments to NRS 209.4465 had a very limited retroactive effect—only the provision relating to application of statutory good time credits to a minimum term for purposes of parole eligibility had any retroactive effect, and this retroactive benefit applied only to certain offenders. 2007 Nev. Stat., ch. 525, § 21, at 3196; NRS 209.4465(8)(d). An offender convicted of a Category A felony was entitled to receive 20 days of statutory good time credits beginning July 1, 2007, and those credits must be deducted from the maximum term to be served and would apply to eligibility for parole unless the offender was sentenced pursuant to a statute specifying a minimum term. NRS 209.4465(1), (7), (8); see also 2007 Nev. Stat., ch. 525, § 21, at 3196.

The credit history report provided in the record on appeal indicates that statutory credits were correctly applied. Appellant was convicted of a Category A felony, habitual criminal adjudication pursuant to NRS 207.010(1)(b), and thus, he was not entitled to any retroactive application of the 2007 amendatory provisions of NRS 209.4465. Appellant failed to demonstrate a violation of any constitutional rights. Therefore, we affirm the order of the district court.

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. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____ J.
Cherry
 _____ J.
Saitta
 _____ J.
Gibbons

cc: Hon. Douglas W. Herndon, District Judge
Roderick Lamar Hymon
Attorney General Catherine Cortez Masto/Las Vegas
Eighth District Court Clerk