

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID HENRY YOUNG,  
Appellant,  
vs.  
WARDEN, SOUTHERN DESERT  
CORRECTIONAL CENTER, BRIAN  
WILLIAMS,  
Respondent.

No. 56930

**FILED**

**JUL 15 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
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 or, in the alternative, a writ of mandamus.<sup>1</sup> Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

In his petition, filed on March 9, 2010, appellant claimed that the Nevada Department of Corrections improperly calculated his good time credits for his primary offenses and their attendant deadly-weapon enhancements based on separate sentences rather than one sentence, thereby applying this court's holding in Nevada Dep't Prisons v. Bowen, 103 Nev. 477, 745 P.2d 697 (1987), retroactively and to his detriment. Appellant's claim was barred by the equitable doctrine of laches. See Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Appellant received a document in 1988 that indicated a change in the way that his sentence


---

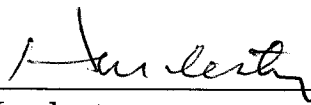
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

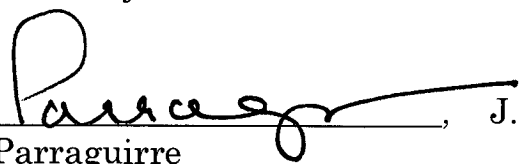
was being calculated. Appellant failed to explain his delay of more than 20 years in filing the instant petition to challenge that change, and the delay implied his acquiescence in how his sentences were being calculated.

Appellant was not entitled to relief even if his claims were not equitably barred. First, no relief could have been granted on past sentences as no statutory authority or case law permits a retroactive grant of parole. Niergarth v. Warden, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989). Second, because appellant is currently serving his final active term of imprisonment, it would be to his detriment to change how his sentence is calculated. We therefore conclude the district court did not err in denying appellant's petition. Accordingly, we

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

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

---

<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Abbi Silver, District Judge  
David Henry Young  
Attorney General/Las Vegas  
Eighth District Court Clerk