

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER SOUND O'NEILL
A/K/A CHRIS O'NEILL,
Appellant,
vs.
GREG SMITH,
Respondent.

No. 57726

FILED

SEP 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingebold*
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.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition filed on July 12, 2010, appellant claimed that the Nevada Department of Corrections was not deducting his good-time credits from his minimum sentence pursuant to NRS 209.4465(8). Appellant's claim was without merit. The statute specifically excludes from its provisions those convicted of a category A felony. NRS 209.4465(8)(d). Although appellant's underlying conviction was for category D felonies, appellant was adjudicated a habitual criminal for each count, O'Neill v. State, 123 Nev. 9, 19, 153 P.3d 38, 45 (2007), and was therefore convicted of category A felonies. NRS 207.010(1)(b). We

¹This 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).

therefore conclude that the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. James E. Wilson, District Judge
Christopher Sound O'Neill
Attorney General/Carson City
Carson City Clerk