

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEMARIO S. MCNAIR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63142

FILED

NOV 13 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus challenging the computation of time served.¹ Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.


In his petition filed on January 9, 2013, appellant claimed that the Department of Corrections had made an error in computing his parole eligibility. Appellant claimed that he should have received an institutional parole hearing for the sentence for the primary offense in Count 2 (which involved a sentence for the primary offense and a consecutive deadly weapon enhancement).

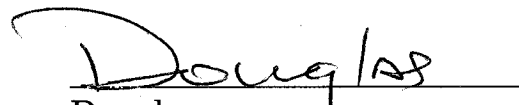
NRS 213.1213(1) provides that eligibility for parole for a prisoner sentenced to serve two or more concurrent sentences is based on the sentence which requires the longest term before the prisoner is eligible for parole. Appellant's sentence for Count 3, life with the possibility of

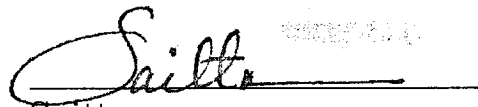
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

parole after ten years, is the controlling term for purposes of parole eligibility because it is the longest term before parole eligibility. See NRS 213.1213(1). Thus, the Department has not erred in failing to place him on the parole calendar, and the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 J.
Gibbons

 J.
Douglas

 J.
Saitta

cc: Hon. Valorie J. Vega, District Judge
Semario S. McNair
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk