


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LLOYD STEVEN BEVERLY, JR.,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 68109

FILED

FEB 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


In his petition filed on June 23, 2014, appellant Lloyd Beverly, Jr., claims the Nevada Department of Corrections (NDOC) failed to apply 377 days of presentence credit to his sentence. This claim is belied by the record. His sentence start date according to the NDOC's records was December 29, 1998, which was 377 days before his sentencing date on January 10, 2000. Therefore, the district court did not err in denying this claim.


Beverly also claims he should have had an earlier parole hearing on his first sentence. Our review of the record reveals Beverly is not entitled to relief. The record indicates Beverly received parole hearings on September 28, 2004, and August 15, 2006. Because parole is

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

an act of grace of the State, this renders Beverly's claim moot as the only remedy available would be to order the parole board to conduct a hearing. See NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 28-29, 768 P.2d 882, 883-84 (1989) (holding no statutory authority or case law permits retroactive grant of parole). Further, Beverly failed to demonstrate he was entitled to extra credits because his parole hearing was delayed. Therefore, the district court did not err in denying this claim, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James E. Wilson, District Judge
Lloyd Steven Beverly, Jr.
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk