

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TROY HUGHES, A/K/A TROY JOSEPH
RUCKER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69533

FILED

JUN 22 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a petition for a writ of mandamus challenging the calculation of time served and the applicable credits.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

Appellant Troy Hughes violated the terms of his parole, he was returned to prison, and he appeared before the Parole Board for a parole-revocation hearing. The Parole Board revoked Hughes' parole and ordered his good-time credit forfeited. Hughes subsequently challenged the Nevada Department of Corrections' (NDOC) computation of time served in a petition for a writ of mandamus. The district court construed the petition as a petition for a writ of habeas corpus under NRS 34.724(2)(c), and it denied the petition after finding Hughes had not shown

¹This appeal has been submitted for decision without oral argument. See NRAP 34(f)(3).


that the NDOC's computation of time served was incorrect. This appeal followed.


First, Hughes claims the district court committed plain error by denying his petition because his due process rights were violated when 1,260 days of good-time credit were taken from him without written notice of the violation, the evidence relied upon, and the reason for the forfeiture. We conclude that Hughes has not demonstrated plain error because there was no error: the record on appeal included the Parole Board's certificate of action, which memorialized the fact that Hughes appeared before the Parole Board and was represented by counsel, he pleaded guilty to three of the four alleged violations, the Parole Board relied upon evidence of his guilty plea to find him guilty, and the Parole Board ordered his parole revoked and all of the good-time credit he earned prior to the date of revocation forfeited. *See Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008) (discussing plain-error review); *Anaya v. State*, 96 Nev. 119, 122, 606 P.2d 156, 157-58 (1980) (identifying the minimum procedures necessary to satisfy due process when revoking parole).


Second, Hughes claims the district court committed plain error by denying his petition because his imprisonment violates the Eighth and Fourteenth Amendments of the United States Constitution. He specifically argues that his sentence expired on August 8, 2015, the Parole Board exercised its discretion under NRS 213.1518(1) by not taking away his good-time credit, and NDOC lacked jurisdiction to invoke NRS 213.1519(1). We conclude that Hughes has not demonstrated plain error because there was no error: August 8, 2015, was merely a projected discharge date which took into account the good-time credit Hughes had

earned since he began serving his sentence on July 2, 2010, and that projected discharged date changed when the Parole Board ordered all of Hughes' good-time credit forfeited pursuant to NRS 213.1519.

Having concluded Hughes is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Douglas W. Herndon, District Judge
Troy Hughes
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk