

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY EMILLIO GODETT,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 70768

**FILED**

NOV 18 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition filed on May 24, 2016, appellant Roy Godett claimed the Nevada Department of Corrections (NDOC) should have been deducting statutory credits from his minimum sentence but was not.

We agree with Godett that he should have been receiving credits towards his minimum sentence in order to reduce the date he would be eligible for parole. During the relevant time period, NRS 209.4465 provided statutory credits “[a]pply to eligibility for parole.” Godett did not fall within the exception to that rule because the statute under which he was convicted did not specify a minimum term before a person becomes eligible for parole. *See id*; NRS 207.010(1)(a). However, Godett’s remedy would be the application of credit for determining his eligibility for parole. Because Godett has already received a parole

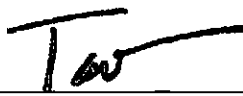
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

hearing, his claim was rendered moot. 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). Accordingly, we conclude the district court did not err by denying Godett's petition, *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court may affirm a district court decision that reaches the correct result for the wrong reason), and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. James Todd Russell, District Judge  
Roy Emillio Godett  
Attorney General/Carson City  
Carson City Clerk