


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY K. ANDERSON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 71270

FILED

DEC 28 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Anthony K. Anderson appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on May 10, 2016.¹ Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Senior Judge.

Anderson's informal brief is largely unintelligible. He appears to claim the district court erred by denying his habeas petition because of an ex-post-facto violation and the Nevada Department of Corrections' improper application of NRS 209.4465.²

We conclude the 2007 amendments to NRS 209.4465 applied in Anderson's case because he was convicted of crimes that he committed


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

²Anderson also appears to argue the district court violated the rule against ex parte communications and erred by not considering the Nevada Supreme Court's decision in *Vonseydewitz v. Warden*, Docket No. 66159 (Order of Reversal and Remand, June 24, 2015); the Parole Board violated NRS 213.142, and he did not receive credit for his employment at the time of his arrest. To the extent these claims are properly raised, we conclude they are meritless.

on or between October 1, 1999, and August 31, 2009. *See generally State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008) (observing “that under Nevada law, the proper penalty is the penalty in effect at the time of the commission of the offense”). However, even assuming Anderson should have received credit towards his minimum sentence under the version of NRS 209.4465 that was in effect at the time he first began committing his crimes, his only remedy would be the application of the credit towards a parole eligibility determination. The district court found that Anderson had already appeared before the Parole Board and, therefore, his habeas claim was moot. We conclude the district court did not err in this regard. *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

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Chief Judge, Eighth Judicial District Court
Hon. Kathy A. Hardcastle, Senior Judge
Anthony K. Anderson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk