

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFRICH,  
Appellant,  
vs.  
ADAM P. LAXALT; WARDEN; HIGH  
DESERT STATE PRISON OFFENDER  
MANAGEMENT DIVISION; AND THE  
STATE OF NEVADA,  
Respondents.

No. 71297

**FILED**

JUN 15 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order denying appellant Peter Helfrich's June 28, 2016, postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge. Helfrich challenged the computation of time he has served. We affirm.<sup>1</sup>

Helfrich claimed that he was entitled to work credits pursuant to NRS 209.4465(2) because he was ready and willing to work. Helfrich did not claim that he performed work for which he was entitled to credits, and NRS 209.4465(2) requires prisoners to actually work to earn the credits. Accordingly, Helfrich did not demonstrate that he is entitled to the deduction of work credits.

To the extent Helfrich claimed that the Nevada Department of Corrections is not deducting statutory credits from his minimum sentences pursuant to NRS 209.4465(7)(b), his claim appears to be moot. Helfrich had a parole-eligibility date of January 22, 2017, and he has not

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<sup>1</sup>This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); *see also* NRAP 31(d)(1); *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

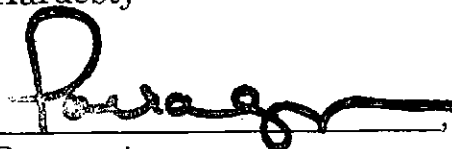
claimed that he was denied the parole hearing. Since a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), his claim would be moot. *See Johnson v. Dir., Nev. Dep't. of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).


Moreover, his claim lacks merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[ ] 8," and NRS 209.4465(8) specifically excludes offenders convicted of category B felonies from deducting statutory credits from their minimum sentences. Helfrich was convicted of a category B felony, *see* NRS 200.080, for an offense committed after NRS 209.4465(8)'s effective date. Accordingly, he is not entitled to the deduction of credits from his minimum sentence.

Having considered Helfrich's claims and concluding they are without merit, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. James Todd Russell, District Judge  
Peter Jason Helfrich  
Attorney General/Carson City  
Carson City Clerk