

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KUPAA KEA,
Appellant,
vs.
RENEE BAKER, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 71672

FILED

JUL 12 2017

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

ORDER OF AFFIRMANCE

Kupaa Kea appeals from an order of the district court dismissing the postconviction petition for a writ of habeas corpus he filed on April 6, 2009, and his supplemental petitions filed on April 18, 2016, and April 29, 2016.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.


In his petitions, Kea claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court determined Kea was not entitled to relief because Kea is currently serving prison terms for two counts of battery with the use of a deadly weapon causing substantial bodily harm, a category B felony, *see* NRS 200.481(2)(e)(2), committed in 2011, and for those reasons, the NDOC may only apply Kea's statutory credits toward his maximum term pursuant to NRS 209.4465(8). Given

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

these circumstances, we conclude the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Kupaa Kea
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk