

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER BLYE,
Appellant,
vs.
WARDEN BRIAN WILLIAMS,
Respondent.

No. 71162

FILED

JUL 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Blye appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his April 25, 2016, petition, Blye claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum terms. The district court concluded Blye was not entitled to relief because Blye was serving prison terms for category B felonies, committed in 2013, and for those reasons, the NDOC may only apply Blye's statutory credits toward his maximum terms pursuant to NRS 209.4465(8)(d).² The district court further concluded Blye's challenge to the application of credits toward the term he served for


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

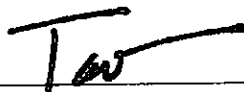
²The record demonstrates Blye was convicted of conspiracy to commit robbery and robbery, category B felonies. See NRS 199.480(1); NRS 200.380(2).

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his conspiracy to commit robbery conviction was moot because Blye had a parole hearing regarding that conviction in February of 2015. See NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 28-29, 768 P.2d 882, 883-84 (1989) (holding that no statutory authority or case law permits a retroactive grant of parole). Given these circumstances, we conclude the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Christopher Blye
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk