

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PATRICK NEWELL,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 72355

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

Patrick Newell appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on May 20, 2016.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Newell claimed the Nevada Department of Corrections was not applying the statutory credits he had earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court determined Newell was not entitled to have statutory credits applied to his minimum sentence because he was serving a sentence based on a category B felony.


Newell claims the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Newell was not entitled to have credits deducted from his minimum sentence because he committed his crime after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Newell from receiving credit toward their minimum sentence.


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

See NRS 200.481(2)(e)(2); 2007 Nev. Stat., ch. 525, § 5, at 3177; see generally *Robert E. v. Justice Court of Reno Twp., Washoe Cty.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (“When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Patrick Newell
Attorney General/Carson City
Carson City Clerk