

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE M. MARTINEZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 71860

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

Jose M. Martinez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on June 16, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Martinez 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 Martinez was not entitled to good time credit deductions from his parole eligibility date because he was serving sentences based on category B felonies.

Martinez appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Martinez was not entitled to have credits deducted from his minimum sentences because he committed his crimes after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Martinez from receiving


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


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credit toward their minimum sentence. See NRS 199.480(1); NRS 200.380(2); 2007 Nev. Stat., ch. 525, §, 5, at 3177; see generally *Robert E. v. Justice Court of Reno Twp., Washoe Cnty.*, 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.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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

²To the extent Martinez also raises ex post facto, due process, and equal protection claims, we decline to address these claims because they were not raised in his habeas petition or considered by the district court in the first instance. See *Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2003).