

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TODD MICHAEL HONEYCUTT,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 71421

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

Todd Michael Honeycutt appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on March 31, 2016.¹ First Judicial District Court, Carson City; William A. Maddox, Senior Judge.

Honeycutt argues the district court erred in finding he was not entitled to an additional 270 days of credit for small cell living from years 2006, 2007, and 2009 and he was not entitled to 267 days of credit for school attendance for years 2000 to 2006.

The district court found Honeycutt failed to demonstrate he was entitled to these additional credits. Specifically, the district court found NRS 209.4465, the statutory credit statute applicable to Honeycutt

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

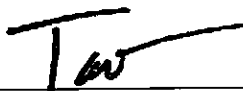
for the sentence he is serving, did not create a liberty interest in earning credits for small cell living or for school attendance. *See* 1997 Nev. Stat., ch. 641, § 4, at 3175 (former NRS 209.4465). Instead, NRS 209.4465(2) provides that an inmate who studies may earn credits. *See id.* Further, under NRS 209.4465(5), it is within the discretion of the Nevada Department of Corrections to determine whether a prisoner will be awarded up to 90 credits a year for exceptional meritorious service, which would include credits for small cell living. *See id.* Substantial evidence supports the decision of the district court. Because Honeycutt failed to demonstrate he had a liberty interest in these credits, he failed to demonstrate the district court erred by concluding he was not entitled to those credits.


Honeycutt also claims the district court erred by upholding the decision to revoke 910 credits which the NDOC claims were improperly applied to his sentence pursuant to NRS 209.4465. The district court concluded the NDOC did not err or violate Honeycutt's due process rights by revoking the 910 credits because the NDOC had improperly given Honeycutt 20 days of credit per month toward his sentence. Because Honeycutt committed his crime in 1998, he was only entitled to 10 days of

credit per month toward his sentence.² See 1997 Nev. Stat., ch. 641, § 4, at 3175. Substantial evidence supports the decision of the district court, and we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²The Nevada Legislature amended NRS 209.4465(1) in 2007, and increased the applicable statutory time from 10 days per month to 20 days per month effective July 1, 2007. See 2007 Nev. Stat., ch. 525, § 4, at 3176 and § 21 at 3196.

³On July 10, 2017, Honeycutt filed a motion for transcripts at state expense in this court. On July 17, 2017, the State responded and informed this court a copy of the transcript was sent to Honeycutt on July 17, 2017. Because Honeycutt has been provided a copy of the transcript sought, we deny his motion as moot.

cc: First Judicial District Court
Hon. William A. Maddox, Senior Judge
Todd Michael Honeycutt
Attorney General/Carson City
Carson City Clerk