

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL MARTINEZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 71262

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

Daniel Martinez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed May 4, 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 had been adjudicated a habitual criminal, was being punished as a category A felon, and NRS

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

209.4465(8)(d) excludes category A felons from receiving credit toward their minimum sentence.


Martinez appears to claim the district court erred in its interpretation of NRS 209.4465 because subsection (8)(d) excludes offenders who were *convicted* of a category A or B felony from receiving credit toward their minimum sentence whereas he was *convicted* of two category D felonies and received an *increased punishment* under the habitual criminal statute. Even assuming Martinez is correct and the district court's reason for denying his petition is wrong, we conclude the district court reached the correct result and Martinez is not entitled to relief. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm the judgment of a district court if it reached the right result albeit for a wrong reason).


NRS 209.4465(7)(b) provides "credits earned pursuant to this section . . . [a]pply to eligibility for parole unless the offender was *sentenced* pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." Martinez was sentenced under NRS 207.010(1)(b)(2), which provides a person who has previously been convicted of three felonies "shall be punished for a category A felony by imprisonment in the state prison . . . [f]or life with the possibility of parole, *with eligibility for parole beginning when a minimum of 10 years has been served.*" (Emphasis added.) Because NRS 207.010(1)(b)(2) specifies a minimum sentence that must be served, Martinez was not entitled to good time credit deductions from his parole

eligibility date. Accordingly, we conclude the district court reached the correct result, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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