

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN RUSSELL,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 71260

FILED

AUG 16 2017

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

ORDER OF AFFIRMANCE

John Russell 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 May 4, 2016, petition, Russell claimed the Nevada Department of Corrections (NDOC) has improperly declined to apply his statutory credits toward his minimum terms. The district court concluded Russell was not entitled to relief because Russell is serving prison terms for category B felonies, committed in 2014, and for those reasons, the NDOC may only apply Russell's statutory credits toward his maximum terms pursuant to NRS 209.4465(8)(d).² Given these circumstances, we

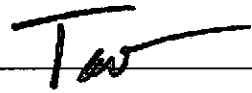
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²The record demonstrates Russell was convicted of voluntary manslaughter and attempted murder, category B felonies. See NRS 193.330(1)(a); NRS 200.030(4); NRS 200.080.

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
John Russell
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk