

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROYLAND RODRIGUEZ,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 71423

FILED

SEP 13 2017

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

ORDER OF AFFIRMANCE

Royland Rodriguez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


In his July 11, 2016, petition, Rodriguez claimed the Nevada Department of Corrections (NDOC) erroneously failed to award him 20 good-time credits per month or apply his statutory credits toward his minimum terms, both as required by NRS 209.4465. The district court concluded Rodriguez was not entitled to relief. Rodriguez committed his crime in 1996, prior to enactment of NRS 209.4465, and he is accordingly not entitled to any relief based upon NRS 209.4465.²


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).


²Rodriguez was convicted of second-degree murder with the use of a deadly weapon. The district court sentenced Rodriguez to serve a term of 10 to 25 years in prison for the primary offense, plus an equal and consecutive term for the deadly weapon enhancement.

Rather, application of credits toward Rodriguez' sentence is governed by NRS 209.446. Pursuant to NRS 209.446(1), Rodriguez earns ten good-time credits per month. See 1993 Nev. Stat., ch. 83, § 3, at 136 (former version of NRS 209.446). In addition, Rodriguez was sentenced under a statute that specified the minimum sentence that must be served before a defendant becomes eligible for parole, and therefore, the NDOC may not apply statutory credits to reduce Rodriguez' minimum terms.³ See 1995 Nev. Stat., ch. 455, § 1, at 1431 (former version of NRS 193.165); 1995 Nev. Stat., ch. 443, § 44, at 1181-82 (former version of NRS 200.030). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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

³We also note Rodriguez has expired the term for his primary sentence and is currently serving the term for the deadly weapon enhancement. The expiration of Rodriguez' term for the primary offense renders any challenge to the computation of time served for that term moot. See *Johnson v. Director, Nevada Dep't Prisons*, 105 Nev. 314, 316 774 P.2d 1047, 1049 (1989) (stating that expiration of a defendant's sentence rendered any question concerning computation of the sentence moot).