

IN THE SUPREME COURT OF THE STATE OF NEVADA

ISIDRO BACA, WARDEN,
Appellant,
vs.
JAMAA ANTHONY CINQUE,
Respondent.

No. 72518

FILED

NOV 03 2017

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

ORDER OF AFFIRMANCE

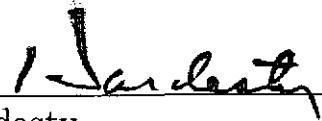
This is an appeal from a district court order granting a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

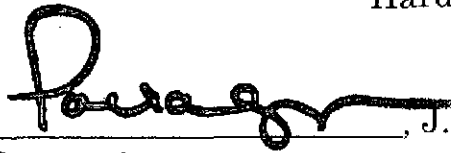
Appellant argues that the district court erred in concluding that the credits respondent Jamaa Anthony Cinque has earned pursuant to NRS 209.4465 should be applied to his parole eligibility for the sentence he is serving consistent with NRS 209.4465(7)(b) (1997). Based on our recent decision in *Williams v. State*, 133 Nev., Adv. Op. 75, ___ P.3d ___ (2017), we disagree. In *Williams*, we held that credits apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility. Cinque is serving an aggregate sentence pursuant to such a statute for three burglaries committed on or between July 17, 1997, and June 30, 2007.¹ See


¹The record indicates that Cinque was sentenced for another burglary as a habitual criminal under NRS 207.010(1)(a) but that he has discharged the sentence for that offense.

NRS 205.060(2). The district court's decision therefore is consistent with *Williams*. See also NRS 213.1212 (addressing parole eligibility where sentences have been aggregated). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. James E. Wilson, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Jamaa Anthony Cinque
Carson City Clerk

²We deny as moot the pending motion for stay and motion to strike the motion for stay.