

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND JAMES BEAL,
Appellant,
vs.
HAROLD WICKHAM, WARDEN,
WSCC,
Respondent.

No. 72329

FILED

NOV 03 2017

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

ORDER VACATING AND REMANDING

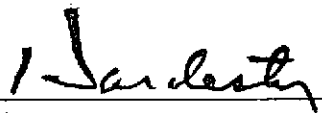
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

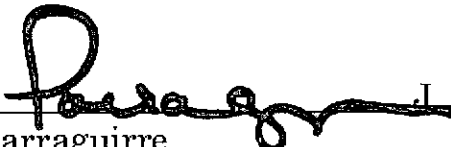
Appellant Raymond James Beal argues that the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided in NRS 209.4465(7)(b) (1997). In rejecting Beal's claim, the district court did not have the benefit of our recent decision in *Williams v. State*, 133 Nev., Adv. Op. 75, ___ P.3d ___ (2017).¹ There, 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. The record indicates that Beal is serving a sentence pursuant to such a statute for burglary committed on or between July 17, 1997, and June 30, 2007. See NRS 205.060(2) (setting forth

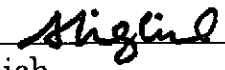
¹Having considered Beal's pro se brief and given our decision in *Williams*, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. See NRAP 34(f)(3).

sentencing range for burglary). Consistent with *Williams*, the credits that Beal has earned pursuant to NRS 209.4465 should be applied to his parole eligibility for the sentence he is serving. The district court erred in ruling to the contrary.² We therefore

ORDER the judgment of the district court VACATED AND REMAND this matter for the district court to reconsider its decision in light of *Williams*.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. James Todd Russell, District Judge
Raymond James Beal
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk

²The court cannot grant any relief on the sentences that Beal has discharged or on which he has been granted parole. *Williams*, 133 Nev., Adv. Op. 75 at 10 n.7. It is unclear from the record before this court whether Beal has appeared before the parole board or discharged the sentence he was serving when he filed his petition. The district court may consider any evidence in that respect on remand. If Beal has started serving his final sentence, we note that it also was for a burglary committed on or between July 17, 1997, and June 30, 2007, and consistent with *Williams*, the credits that Beal earns pursuant to NRS 209.4465 should be applied to his parole eligibility for that sentence once he begins serving it.