

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW ARTHUR FIELDS,
Appellant,
vs.
MR. QUENTIN BYRNE, WARDEN,
LOVELOCK CORRECTIONAL
CENTER,
Respondent.

No. 71600

FILED

NOV 03 2017

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

ORDER VACATING AND REMANDING

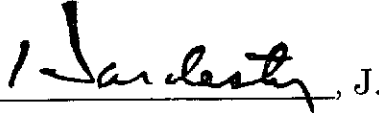
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Appellant Matthew Arthur Fields 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 Fields' 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. Fields is serving a sentence pursuant to such a statute for leaving the scene of accident involving death, committed on or between July 17, 1997, and June 30, 2007.

¹Having considered Fields' 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).

See NRS 484.219(3) (now codified as NRS 484E.010). Consistent with *Williams*, the credits that Fields 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. Jim C. Shirley, District Judge
Matthew Arthur Fields
Attorney General/Carson City
Pershing County Clerk

²The court cannot grant Fields any relief as to the sentence he has already expired for driving under the influence causing death. *Williams*, 133 Nev., Adv. Op. 75 at 10 n.7. Similarly, the court cannot grant any relief on the sentence Fields is serving at this time if he has already appeared before the parole board on that sentence. *Id.* It is not clear from the record before this court whether Fields has appeared before the parole board on the sentence he is serving. The district court may consider any evidence in that respect on remand.