

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZEL NORMAN,
Appellant,
vs.
ISIDRO BACA, WARDEN NNCC,
Respondent.

No. 70962

FILED

OCT 30 2017

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

ORDER VACATING AND REMANDING

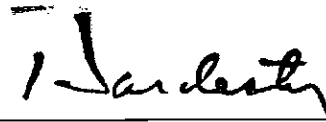
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.

Appellant Zel Norman 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 Norman'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. Norman is serving a sentence pursuant to such a statute for the offense of failure to stop on signal of a police officer committed on or between July 17, 1997, and June 30, 2007. See NRS

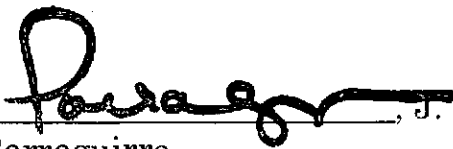
¹Having considered Norman's pro se brief and given our decision in *Williams*, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. See NRAP 34(f)(3).

207.010(1)(a) (setting forth sentencing range for offender convicted of a felony and adjudicated as a small habitual criminal). Consistent with *Williams*, the credits that Norman 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 E. Wilson, District Judge
Zel Norman
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk

²If Norman has already expired the sentence or appeared before the parole board on the sentence, then the court cannot grant any relief. *Williams*, 133 Nev., Adv. Op. 75 at 10 n.7. For this reason, Norman is not entitled to any relief with respect to the sentences for his two convictions of possession of a controlled substance as he has been paroled on both those sentences. It is unclear from the record whether Norman has appeared before the parole board on the sentence for failure to stop on signal of a police officer. The district court may consider any evidence in that respect on remand.