

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM EDWARD FRENCH,
Appellant,
vs.
HAROLD WICKMAN, WARDEN,
Respondent.

No. 70793

FILED

OCT 30 2017

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

ORDER VACATING AND REMANDING

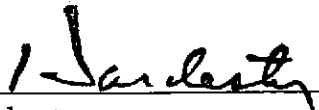
This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


Appellant William Edward French argued 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 French'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). 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. French is serving an aggregate sentence pursuant to such a statute for an offense committed on or between July 17, 1997, and June 30, 2007. See NRS 193.165 (1995) (providing sentence for weapon enhancement based on sentence for primary

¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); see also NRAP 31(d)(1); *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

offense); NRS 200.380 (setting forth sentence for robbery). Consistent with *Williams*, the credits that French has earned pursuant to NRS 209.4465 should be applied to his parole eligibility for the sentence that 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
William Edward French
Attorney General/Carson City
Carson City Clerk

²If French 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, no relief can be granted with respect to the sentences that French has already discharged. As to the aggregated sentence that French is serving for robbery with the use of a deadly weapon, it is unclear from the record whether French has appeared before the parole board on that sentence. The district court may consider any evidence in that respect on remand.