

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEE GASTON-SAWYER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 72420

FILED

NOV 15 2017

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

ORDER OF AFFIRMANCE

Lee Gaston-Sawyer appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on July 8, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Gaston-Sawyer claimed the Nevada Department of Corrections was not applying the statutory credits he had earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court found Gaston-Sawyer was not entitled to good-time credit deductions from his parole eligibility date because he was serving sentences based on category B felonies for criminal conduct he committed in 2015.


We conclude the district court correctly determined Gaston-Sawyer was not entitled to have credits deducted from his minimum sentences because he committed his crimes after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Gaston-Sawyer from receiving credit toward their minimum sentence. *See*

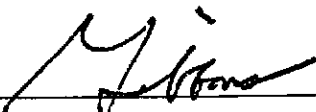
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

NRS 200.380(2); NRS 200.481(2)(e); 2007 Nev. Stat., ch. 525, § 5, at 3177; *see generally Robert E. v. Justice Court of Reno Twp.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (“When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Lee Gaston-Sawyer
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk