

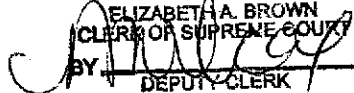
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON GRAEBER,
Appellant,
vs.
N.N.C.C. ISIDRO BACA, WARDEN,
Respondent.

No. 72705

FILED

NOV 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jason Graeber appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

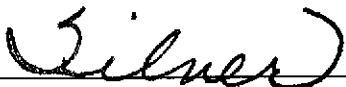
Graeber argues the district court erred by dismissing his petition. In his July 28, 2016, petition, Graeber claimed the Nevada Department of Corrections (NDOC) has improperly declined to apply his statutory credits toward his minimum term. The record demonstrates Graeber is serving a prison term for a category B felony he committed in 2011. For those reasons, the NDOC may only apply Graeber's statutory credits toward his maximum term pursuant to NRS 209.4465(8)(d).² Given


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²The record demonstrates Graeber was convicted of attempted lewdness with a minor under the age of 14, a category B felony. See NRS 193.330(1)(a)(1); NRS 201.230(2).

these circumstances, we conclude the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Jason Graeber
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk