

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CANDELARIO PEREZ-RODRIGUEZ,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
JAMES DZURENDA, DIRECTOR
NDOC; AND BRIAN E. WILLIAMS, SR.,
WARDEN SDCC,
Respondents.

No. 74003

FILED

APR 11 2018

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

ORDER OF AFFIRMANCE

Candelario Perez-Rodriguez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on July 29, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his petition, Perez-Rodriguez claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentences as required by NRS 209.4465(7)(b). The district court determined Perez-Rodriguez was not entitled to good time deductions from his parole eligibility date because he was serving a sentence for a category B felony he committed after 2007.


Perez-Rodriguez appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Perez-Rodriguez was not entitled to have credits deducted from his minimum sentence because he

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

committed his crime after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons from receiving credit toward their minimum sentence.² See 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.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²The record on appeal does not include the charging document and the judgment of conviction. However, Perez-Rodriguez does not challenge the district court’s factual findings that he was convicted of a category B felony for conduct that occurred after 2007, and he acknowledges in his pleadings that he was convicted of attempted robbery with the use of a deadly weapon and was sentenced in 2014. See NRS 193.165(3); NRS 193.330(1)(a)(2); NRS 200.380(2).

³We have reviewed all documents Perez-Rodriguez has filed in this matter, and we conclude no relief based upon those submissions is warranted. To the extent Perez-Rodriguez has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we decline to consider them in the first instance.

cc: Hon. Linda Marie Bell, District Judge
Candelario Perez-Rodriguez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk