

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFFREY SCOTT HOWARD,
Appellant,
vs.
ISIDRO BACA, WARDEN, NNCC,
Respondent.

No. 73050

FILED

APR 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeffrey Scott Howard appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

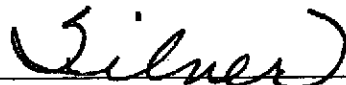
In his March 7, 2017, petition, Howard claimed the Nevada Department of Corrections (NDOC) erroneously failed to apply his statutory credits toward his minimum terms. The record demonstrates Howard is serving prison terms for category B felonies he committed in 2013 and 2014.² For those reasons, the NDOC may only apply Howard's statutory credits toward his maximum terms pursuant to NRS 209.4465(8)(d). Given

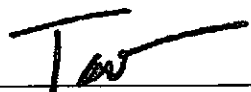
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²The record demonstrates Howard is serving terms stemming from a burglary conviction and two convictions for trafficking in a controlled substance, all category B felonies. See NRS 205.060(2); 1999 Nev. Stat., ch. 517, § 6, at 2639-40 (former NRS 453.3385).

these circumstances, we conclude the district court did not err in denying the petition.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Jeffrey Scott Howard
Attorney General/Carson City
Attorney General/Las Vegas
Carson City Clerk

³The district court concluded it lacked jurisdiction to consider this claim and denied relief. However, the district court did not have the benefit of the Nevada Supreme Court's recent conclusion that claims such as Howard's are properly raised in a postconviction petition for a writ of habeas corpus. See *Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). The district court, however, also alternatively reached the merit of Howard's claim, and properly determined he was not entitled to relief.