

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN FRANK POLLARD, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA; THE STATE  
OF NEVADA DEPARTMENT OF  
CORRECTIONS; AND ISIDRO BACA,  
WARDEN,  
Respondents.

No. 72348

**FILED**

FEB 14 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

John Frank Pollard, Jr., appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on September 23, 2016.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Pollard 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 determined Pollard was not entitled to good time credit deductions from his parole eligibility date because he was serving a sentence for a category B felony he committed in 2015.

Pollard 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 Pollard was not entitled to


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

have credits deducted from his minimum sentence because he committed his crime after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Pollard from receiving credit toward their minimum sentence. See NRS 484C.430(1); 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.

  
Silver, C.J.

  
Tao, J.

  
Gibbons, J.

cc: Hon. James E. Wilson, District Judge  
John Frank Pollard, Jr.  
Attorney General/Carson City  
Attorney General/Las Vegas  
Carson City Clerk