

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDREW JEFFERSON,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 72428

FILED

DEC 29 2017

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

ORDER OF AFFIRMANCE

Andrew Jefferson 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 E. Wilson, Judge.


In his May 31, 2016, petition, Jefferson claimed the Nevada Department of Corrections (NDOC) has improperly declined to apply his statutory credits toward his minimum terms. The record demonstrates Jefferson is serving prison terms for category B felonies he committed in 2011 and 2012.² For these reasons, the NDOC may only apply Jefferson's statutory credits toward his maximum term pursuant to NRS

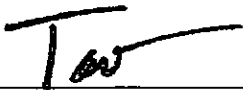
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

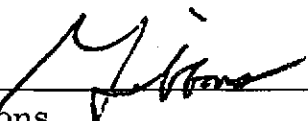
²The record demonstrates Jefferson is serving terms under the small habitual criminal enhancement for separate convictions for burglary, category B felonies. See NRS 205.060(2); NRS 207.010(1)(a).

209.4465(8)(d). Given 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
Andrew Jefferson
Attorney General/Carson City
Carson City Clerk