

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES ROBERT HAIRE,
Appellant,
vs.
ISIDRO BACA, WARDEN; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 73090

FILED

APR 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


James Robert Haire appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus filed on December 6, 2016.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


Haire claims the district court erred by denying his claim the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Haire is serving a prison term for burglary, a category B felony, *see* NRS 205.060(2), and he committed his crime in 2016. For these reasons, the district court found the NDOC may only apply Haire's statutory credits toward his maximum term pursuant to NRS


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

209.4465(8)(d).² Given these circumstances, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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

²We conclude Haire failed to demonstrate NRS 209.4465(7)(b) and NRS 209.44565(8) are ambiguous. *See State v. Catania*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (a statute is ambiguous if the language “lends itself to two or more reasonable interpretations”).