

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JARRETT MILLER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; JAMES
DZURENDA, DIRECTOR; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; AND THE STATE OF
NEVADA,
Respondents.

No. 74349

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

Jarrett Miller appeals from a district court order denying a petition for a writ of habeas corpus filed on March 30, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Miller claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court determined Miller was not entitled to good time deductions from his parole eligibility date because he was serving a sentence for a felony involving violence or the threat of violence against a victim for a crime he committed after 2007.


Miller 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 Miller was not entitled to have credits deducted from his minimum sentence because he committed

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

his crime after NRS 209.4465 was amended in 2007, he is serving a sentence for battery resulting in substantial bodily harm constituting domestic violence, *see* NRS 200.481(2)(b), and NRS 209.4465(8)(a) excludes offenders who have committed “[a]ny crime that is punishable as a felony involving the use or threatened use of force or violence against the victim” from receiving credit toward their minimum sentence. *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.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²Although the district court found Miller’s claim was moot, the record does not clearly demonstrate Miller has appeared before the Nevada Board of Parole Commissioners regarding his sentence for battery resulting in substantial bodily harm constituting domestic violence. However, for the reasons stated in our order, we conclude the district court reached the right result. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

cc: Hon. Linda Marie Bell, District Judge
Jarrett Miller
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk