

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DEAN ADKISSON,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 73807

**FILED**

JUN 13 2018

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

*ORDER OF AFFIRMANCE*

Michael Dean Adkisson appeals from a district court order denying a postconviction petition for a writ of habeas filed on August 23, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Adkisson claims the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided in NRS 209.4465(7)(b) (1997). The Nevada Supreme Court recently held in *Williams v. State Department of Corrections*, 133 Nev. \_\_\_, \_\_\_, 402 P.3d 1260, 1262 (2017), that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility.

Adkisson was convicted of second-degree murder with the use of a deadly weapon for conduct that occurred in February 2004. He was

---

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

sentenced to a prison term of life with a minimum parole eligibility of ten years for the murder convictions and an equal and consecutive prison term of life with a minimum parole eligibility of ten years for the deadly weapon enhancement. He has discharged the sentence for his murder conviction and is now serving the sentence for the deadly weapon enhancement.<sup>2</sup>

The sentencing statutes expressly required Adkisson to serve the minimum term before he is eligible for parole. See NRS 193.165 (1995) (providing that sentence for weapon enhancement must be equal and consecutive to sentence imposed for primary offense); NRS 200.030(5) (providing that person convicted of second-degree murder shall be punished by imprisonment for "life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served" or "a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served"). Therefore, pursuant to the exception set forth in NRS 209.4465(7)(b) (1997), the credits Adkisson earns under NRS 209.4465 *cannot* be applied to his parole eligibility on the weapon enhancement sentence that he is serving. See *Williams*, 133 Nev. at \_\_\_, 402 P.3d at 1262.

Although the analysis in the district court's order conflicts with *Williams*, we nonetheless affirm the order because the district court reached the correct result in denying the petition. See *Wyatt v. State*, 86 Nev. 294,

---

<sup>2</sup>To the extent Adkisson claims he is entitled to credit for the time he served between parole hearings, we conclude he is not entitled to relief. See *Niergarth v. Warden*, 105 Nev. 26, 28-29, 768 P.2d 882, 883-84 (1989) (holding no statutory authority or case law permits retroactive grant of parole).

298, 468 P.2d 338, 341 (1970) (stating that an order that reached the correct result will not be reversed simply because it is based on the wrong reason).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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