

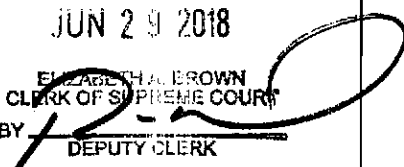
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LAMONT SMITH,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN,  
Respondent.

No. 74653

FILED

JUN 29 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Anthony Lamont Smith appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus challenging the computation of time served, filed on April 11, 2017.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

Smith claimed the Nevada Department of Corrections is not applying statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). Smith's claim lacked merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[ ] 8," and NRS 209.4465(8)(d) specifically excludes an offender convicted of a category B felony from applying statutory credits to his minimum sentence. Smith's sentences were for category B felonies, *see* NRS 200.380(2), for offenses committed after NRS 209.4465(8)'s effective date, *see* 2007 Nev. Stat., ch. 525, § 5, at 3177, §21, at 3196. Smith is therefore not entitled to the application of credits to his minimum sentences.


---


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

Smith also appeared to claim the verbiage used in his judgment of conviction overrode any statute and entitled him to relief. To the extent he was challenging the validity of his judgment of conviction, any such claim must be raised in a separate postconviction petition for a writ of habeas corpus. See NRS 34.738(3). To the extent he claimed verbiage in his judgment of conviction entitled him to apply statutory credits to his parole eligibility pursuant to NRS 209.4465(7)(b), he was mistaken. As indicated above, NRS 209.4465(7)(b) was not applicable here, but even if it were, it turns on whether an "offender was sentenced pursuant to a *statute* which specifies a minimum sentence" (emphasis added), and not on verbiage contained in or missing from the judgment of conviction.

For the foregoing reasons, we conclude the district court did not err by denying Smith's petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. James E. Wilson, District Judge  
Anthony Lamont Smith  
Attorney General/Carson City  
Carson City Clerk