

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEROY LEE JONES,
Appellant,
vs.
JO GENTRY, WARDEN,
Respondent.

No. 73703

FILED

JUN 29 2018

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

ORDER OF AFFIRMANCE

Leroy Lee Jones appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus challenging the computation of time he has served, filed on November 15, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Jones claimed the Nevada Department of Corrections has not been applying statutory credits to his minimum sentences in violation of NRS 209.4465(7)(b). Jones' bare claim did not entitle him to relief. See *Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984) (affirming the denial of an evidentiary hearing where a claim failed to allege specific factual allegations that, if true and not belied by the record, would have entitled the petitioner to relief). Since 2007, NRS 209.4465(7) has begun, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) has specifically excluded an offender convicted of a category B felony from applying statutory credits to his minimum sentence. 2007 Nev. Stat., ch. 525, § 5, at 3177.

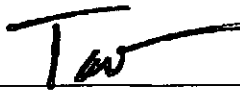
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Jones provided documentation indicating his controlling sentences were for category B felonies where the sentencing statute did not mention parole eligibility. See NRS 200.380(2). However, Jones did not indicate when he committed the crimes. Accordingly, he failed to state specific facts that demonstrated he was entitled to relief. Compare NRS 209.4465(7)-(8) (exempting offenders convicted of category B felonies committed after the effective date of the 2007 amendments to the statute from application of statutory credits to their minimum sentences), with *Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1261 (2017) (holding offenders whose sentences were committed prior to the effective date of the 2007 amendments to NRS 209.4465 were entitled to application of statutory credits to their minimum sentences where the relevant sentencing statute did not mention parole eligibility). We therefore conclude the district court did not err by denying this claim, and we

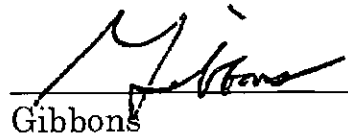
ORDER the judgment of the district court AFFIRMED.²

 , C.J.

Silver

 , J.

Tao

 , J.

Gibbons

²The district court based its decision on its finding that Jones committed his crimes in 2008. That finding is neither supported nor belied by the record before this court. We nevertheless affirm the district court's decision for the reasons stated above. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

cc: Hon. Linda Marie Bell, District Judge
Leroy Lee Jones
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk