

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEL TUTOR CAPALAC,
Appellant,
vs.
BRIAN E. WILLIAMS, SR., WARDEN,
Respondent.

No. 74809

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Joel Tutor Capalac appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 17, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Capalac claimed the Nevada Department of Corrections was not properly applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b) and was improperly applying NRS 209.4465(8), which was enacted after he committed his crimes. However, the district court found that Capalac had twice appeared before the Nevada Board of Parole Commissioners, he had been denied parole on both occasions, and consequently his claims were moot.


Because the record supports the district court's factual findings, and because a parole hearing would be the only relief available and no statutory authority or case law permits a retroactive grant of parole, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989), we conclude

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

the district court did not err, in determining Capalac's claims were moot, see *Johnson v. Director, Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Joel Tutor Capalac
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk