


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IAN HERNANDEZ-HUNT,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 74791

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

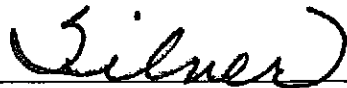
Ian Hernandez-Hunt appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 5, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

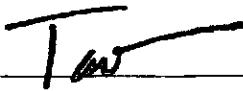
In his petition, Hernandez-Hunt claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Hernandez-Hunt is serving prison terms for robbery with the use of a deadly weapon and battery with the use of a deadly weapon, both category B felonies, *see* NRS 193.165(1); NRS 200.380(2); NRS 200.481(2)(e)(1), that he committed in 2016. For those reasons the district court found the NDOC may only apply Hernandez-Hunt's statutory credits toward his maximum term pursuant to NRS 209.4465(8)(d). Given these circumstances, we conclude the district court did not err by denying this claim.

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

To the extent Hernandez-Hunt claims he should receive statutory credit toward his minimum term because he was only 17 when he committed his crime, he was under the influence of drugs, he deserves a second chance, and he never meant to shoot the victim, these claims were not raised in his petition below and we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Ian Hernandez-Hunt
Attorney General/Carson City
Eighth District Court Clerk