

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHILLIP HARRY HUGHES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74983

FILED

OCT 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Phillip Harry Hughes appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 13, 2017.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

Hughes claimed the Nevada Department of Corrections has been improperly failing to apply his statutory credits to his minimum sentence. Hughes committed his crimes in 1999. At that time, NRS 209.4465(7)(b) allowed for the application of statutory credits to minimum sentences only where the offender was not “sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.” 1997 Nev. Stat., ch. 641, § 4, at 3175; *accord* 1999 Nev. Stat., ch. 552, § 8, at 2882. Hughes’ controlling conviction and sentence were pursuant to a statute that provided for “eligibility for parole beginning when a minimum of 20 years has been served.” *See* 1997 Nev. Stat., ch. 314, § 3, at 1179. Accordingly, Hughes was not entitled to the


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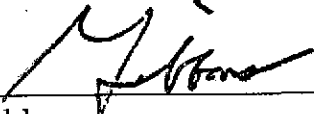
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

application of statutory credits to his minimum sentence. *See Williams v. State Dep't of Corr.*, 133 Nev. \_\_\_, \_\_\_, 402 P.3d 1260, 1263-64 (2017). We therefore conclude the district court did not err by denying Hughes' petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. James Todd Russell, District Judge  
Phillip Harry Hughes  
Attorney General/Carson City  
Carson City Clerk