

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID JOHN RODIUS,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 74804

FILED

OCT 16 2018

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

ORDER OF AFFIRMANCE


David John Rodius appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 3, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Rodius claimed the Nevada Department of Corrections has been improperly failing to apply his statutory credits to his minimum sentence. Based on the facts Rodius alleged, his claim lacked merit. Rodius claimed he pleaded guilty in 2004. 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.” 2003 Nev. Stat., ch. 426, § 8, 2578. Rodius was convicted and sentenced pursuant to a statute that provided for “eligibility for parole beginning when a minimum of 10 years has been served.” 2003 Nev. Stat.,

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).

ch. 470, § 4, at 2945; accord NRS 200.030(5)(a). Accordingly, Rodius was not entitled to the 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 Rodius' petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
David John Rodius
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk