

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES HOWARD HAYES, JR.,  
Appellant,  
vs.  
NDOC; AND BRIAN WILLIAMS,  
WARDEN,  
Respondents.

No. 74896

**FILED**

OCT 12 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

James Howard Hayes, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 16, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Hayes claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court denied Hayes' petition after finding he was not entitled to have good time credits applied his parole eligibility date because he committed a category B felony after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons from receiving credit toward their minimum sentence. We conclude


---


<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).

Hayes failed to demonstrate he was entitled to relief and consequently the district court did not err by denying his petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
James Howard Hayes, Jr.  
Attorney General/Carson City  
Eighth District Court Clerk