

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMMY STERIO,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; JAMES
DZURENDA, DIRECTOR; NDOC; AND
THE STATE OF NEVADA,
Respondents.

No. 74836

FILED

SEP 26 2018

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

SAMMY STERIO,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; JAMES
DZURENDA, DIRECTOR; NDOC; AND
THE STATE OF NEVADA,
Respondents.

No. 74837 ✓

ORDER OF AFFIRMANCE

Sammy Sterio appeals from orders of the district court denying postconviction petitions for a writ of habeas corpus filed on July 7, 2017, and November 16, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

¹The petitions were filed in separate case numbers below; the district court ordered the cases consolidated.

These appeals have been submitted for decision without oral argument. NRAP 34(f)(3).


Sterio claimed the Nevada Department of Corrections (NDOC) failed to properly credit him for all statutory good-time, educational, and work credits; to apply those credits to both his minimum and maximum terms of imprisonment, and to provide for a timely parole hearing. Sterio was sentenced to two concurrent terms of 24 to 60 months in prison. The record before this court demonstrates Sterio has already received a parole hearing. Because a parole hearing was the only relief available to him 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), Sterio's claims as they applied to his minimum term or parole hearing are moot, *see Johnson v. Dir., Nev. Dep't. of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).


Sterio was also not entitled to relief on his claims insofar as they applied to his maximum term. A petitioner is not entitled to relief for claims unsupported by factual allegations or belied by the record. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Sterio's claim that NDOC failed to credit him with 240 days of statutory good-time credit from December 2016 until November 2017 is belied by the record. And his claims that he was entitled to additional educational and work credit earned during his time at the Nevada Department of Forestry and Casa Grande are bare claims, unsupported by specific factual allegations. Sterio did not indicate how many days' credit he believed he was entitled to for each "program" he allegedly completed and did not demonstrate that participation in every "program" would have allowed him to earn additional credits. *See, e.g.*, NRS 209.448(1) (providing credits for completing


substance-abuse treatment programs, but only where the program is jointly conducted by NDOC and certain licensed counselors or interns).

For the foregoing reasons, we

ORDER the judgments of the district court AFFIRMED.

, C.J.
Silver

, J.
Tao

, J.
Gibbons

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