

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CURTIS RANDALL BARKER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 74481

FILED

AUG 30 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Curtis Randall Barker appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 30, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Barker claims the district court misapprehended the issue presented in his petition; however, his petition was not a model of clarity. He claimed “the Nevada Department of Corrections . . . acted in a manner contrary to the plain and clear language which appears in NRS 209.4465(1)(a) to the exclusion of petitioner receiving full credit for time served pursuant to his term of imprisonment.” He claimed “NDOC was charged with the ongoing responsibility of an accurate computation of time petitioner had served pursuant to his judgment of conviction as well as any work/study days (credits) and meritorious days (credits) Mr. Barker may have earned pursuant to NRS 209.4465.” And he claimed he was entitled

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

to an additional 409 days of credit for the time he spent in confinement before being resentenced on January 14, 2003.

The district court reasonably inferred that Barker had presented two separate claims. Barker's claim that NDOC was not properly applying credits to his sentence as required by NRS 209.4465 was a challenge to the computation of time served on his sentence.² See NRS 34.724(2)(c). And Barker's claim that he was entitled to additional credit for presentence confinement was a challenge to the validity of the judgment of conviction. See *Griffin v. State*, 122 Nev. 737, 739, 137 P.3d 1165, 1166 (2006).

We conclude the district court properly disposed of both of these claims. The district court ruled on the portion of Barker's petition that challenged the computation of time because it presented a civil matter and could be decided solely on the pleading.³ And the district court transferred the portion of Barker's petition that challenged the validity of his judgment of conviction because it presented a criminal matter that "must be heard by the underlying department that heard the criminal matter."⁴ See generally NRS 34.738(3) ("A petition must not challenge both the validity of the


²NRS 209.4465 governs the application of good-time, work-time, and meritorious credits to prison sentences and has nothing to do with credit for presentence incarceration.


³Barker does not challenge the district court's statutory-credits ruling and we conclude there was no error because Barker was sentenced under a statute that specified a minimum sentence that had to be served before he was eligible for parole. See NRS 200.030(4)(b)(2); NRS 209.4465(7)(b); *Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017).


⁴The record demonstrates this claim was transferred to Department 19 in case number 00C168332.

judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to that judgment.”).

Having concluded Barker is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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