

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CORY KAY WINANS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73921

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Cory Kay Winans appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 22, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

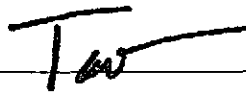
Winans claimed the Nevada Department of Corrections is not applying statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The record supports the district court's finding that Winans has already had parole hearings on all of his sentences. Because a parole hearing was the only relief 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), Winans' claim is moot, *see Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).

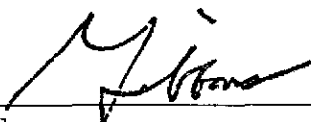
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

We therefore conclude the district court did not err by denying Winans' petition as moot, and we

ORDER the judgment of the district court AFFIRMED.²


Silver C.J.


Tao J.


Gibbons J.

cc: Hon. Linda Marie Bell, Chief Judge
Cory Kay Winans
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Nova v. State*, 133 Nev. ___, ___, 391 P.3d 760, 760-61 (2017).