

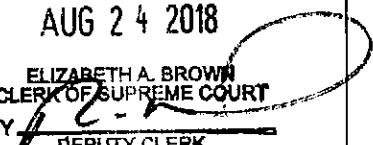
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES COOK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74262

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

James Cook appeals from a district court order denying postconviction petitions for writs of habeas corpus filed on March 16, 2017, and June 30, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Cook claimed the statutory credits he earned pursuant to NRS 209.4465 must be applied to his parole eligibility because his crimes were committed before NRS 209.4465 was amended in 2007. The Nevada Supreme Court recently held in *Williams v. State Department of Corrections*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017), that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility.


Cook was convicted of attempted murder with the use of a deadly weapon and first-degree murder for conduct that occurred in April 2000. He has discharged his sentences for attempted murder with the use

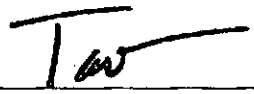
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

of a deadly weapon and is now serving his sentence for first-degree murder. The sentencing statute for first-degree murder expressly required Cook to serve a minimum term before he is eligible for parole. See NRS 200.030(4)(b)(2) (providing that a person convicted of first-degree murder shall be punished by imprisonment for "life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served"). Therefore, the credits Cook earns under NRS 209.4465 cannot be applied to his parole eligibility on the first-degree-murder sentence he is now serving. See NRS 209.4465(7)(b) (1997); *Williams*, 133 Nev. at ___, 402 P.3d at 1262.

Having concluded the district court did not err by denying Cook's habeas petitions, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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