

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC LEROB JACKSON,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 73917

FILED

AUG 14 2018

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

ORDER OF AFFIRMANCE

Cedric Lerob Jackson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his December 2, 2016, petition, Jackson claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits to his minimum terms pursuant to NRS 209.4465(7)(b). Jackson's claim lacked merit. NRS 209.4465(7)(b) begins, "Except as otherwise provided in subsection[] 8" and NRS 209.4465(8)(d) specifically excludes offenders convicted of category A or B felonies from applying credits to their minimum sentences. The district court found Jackson is serving a term for a category A felony committed after NRS 209.4465(8)'s effective date, and the record supports the district court's conclusion.² Accordingly, Jackson

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

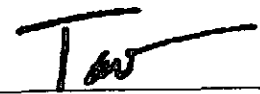
²The record demonstrates Jackson is serving a term for second-degree murder with the use of a deadly weapon, *see* NRS 193.165(1); NRS 200.030(5), and he committed the offense in 2010.

is not entitled to the application of credits to his minimum term and the district court properly denied the petition.

Jackson argues on appeal that the NDOC failed to apply presentence credits awarded in the judgment of conviction toward his prison sentence and the NDOC has failed to apply credits he should have earned pursuant to Assembly Bill 25. However, Jackson did not raise these claims in the district court and we decline to consider them in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Having concluded Jackson 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, District Judge
Cedric Lerob Jackson
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk