

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL FARLEY,
Appellant,
vs.
JO GENTRY, WARDEN; AND
OFFENDER MANAGEMENT DIVISION
STATE OF NEVADA,
Respondents.

No. 74258

FILED

AUG 14 2018

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

ORDER OF AFFIRMANCE

Daniel Farley appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 16, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his petition Farley claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Farley is serving a prison term for battery with the use of a deadly weapon upon a person 60 years or older, a category B felony, *see* NRS 200.481(2)(e); NRS 193.167(1), that he committed in 2012.² For these reasons, the district court found the NDOC may only apply Farley's statutory credits toward his


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).

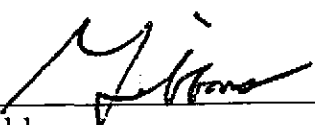
²While the record does not contain a copy of the judgment of conviction, Farley conceded in his petition he was convicted of the battery, a category B felony committed after July 1, 2007.

maximum term pursuant to NRS 209.4465(8)(d). Given these circumstances, we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Daniel Farley
Attorney General/Carson City
Eighth District Court Clerk