

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN A. KELLY,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 74611

FILED

JUL 17 2018

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

ORDER OF AFFIRMANCE

Kevin A. Kelly appeals from an order of the district court denying the postconviction petition for a writ a habeas corpus filed on September 1, 2017.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


In his petition, Kelly 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 Kelly is serving a prison term for robbery, a category B felony, see NRS 200.380(2), that he committed in 2015. For those reasons the district court found the NDOC may only apply Kelly's statutory credits toward his maximum term pursuant to NRS 209.4465(8)(d). Given these


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

circumstances, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Kevin Andrew Kelly
Attorney General/Carson City
Carson City Clerk