

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARIE ROBERT REDEKER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 74194

FILED

JUL 17 2018

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

ORDER OF AFFIRMANCE

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

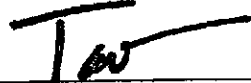
In his petition, Redeker claimed the Nevada Department of Corrections has not been applying his statutory credits toward his minimum terms. The district court denied this claim because Redeker is serving sentences for second-degree murder and the deadly weapon enhancement, and these sentences require a minimum term of 10 years to be served prior to parole eligibility. Therefore, the district court determined Redeker was not entitled to credits toward his minimum parole eligibility pursuant to NRS 209.4465(7)(b).


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 conclude substantial evidence supports the decision of the district court.² See NRS. 193.165 (1995) (providing the sentence for the deadly weapon enhancement is based on the sentence for the primary offense); NRS 200.030(5) (setting forth sentencing range for second-degree murder); NRS 209.4465(7)(b); *Williams v. State Department of Corrections*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Arie Robert Redeker
Attorney General/Carson City
Eighth District Court Clerk

²We note the record before this court does not contain a copy of Redeker's judgment of conviction indicating the nature of the crime committed or the charging document indicating when Redeker committed his crime. However, we take judicial notice of the order affirming Redeker's judgment of conviction. See *Redeker v. State*, Docket No. 48121 (Order of Affirmance, November 17, 2008).