

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID WALKER, JR.,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 73957

FILED

JUL 17 2018

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

ORDER OF AFFIRMANCE

David Walker, Jr. appeals from an order of the district court denying the postconviction petition for a writ a habeas corpus filed on August 1, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Walker 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 Walker is serving a prison term for attempted sexual assault, a category B felony, *see* NRS 200.366(2); NRS 193.330(1)(a)(1), and he committed his crime after July 1, 2007.² For those reasons the district court found the

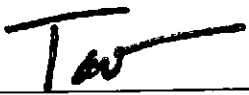
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

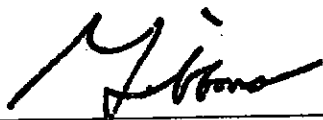
²We note the record before this court does not contain a copy of Walker's judgment of conviction indicating the nature of the crime committed or the charging document indicating when Walker committed his crime. However, Walker has not challenged this finding by the district court.

NDOC may only apply Walker's statutory credits toward his maximum term pursuant to NRS 209.4465(8)(d). Given these circumstances, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
David Walker, Jr.
Attorney General/Carson City
Eighth District Court Clerk

³On appeal, Walker also claims the district court failed to address his claim regarding his presentence credits and his claim regarding Assembly Bill 23. These claims were not raised in his petition below, and we decline to address them for the first time on appeal. *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).