

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAMON JACOBO GARCIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74790-COA

FILED

DEC 19 2018

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

ORDER OF AFFIRMANCE

Ramon Jacobo Garcia appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 25, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Garcia claims the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided in NRS 209.4465(7)(b) (1997). The Nevada Supreme Court recently held in *Williams v. State Department of Corrections*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017), that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility.

Garcia is serving an aggregated sentence for two counts of first-degree kidnapping with the use of a deadly weapon. The relevant sentencing statutes expressly required that he serve the minimum term

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

before he is eligible for parole. See NRS 193.165(1) (1995) (providing the sentence imposed for the weapon enhancement must be equal and consecutive to the sentence imposed for the primary offense); NRS 200.320(2)(a) (setting forth the sentence of "life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served"). Consequently, we conclude the credits Garcia earns under NRS 209.4465 cannot be applied to his parole eligibility for this sentence, see *Williams*, 133 Nev. at ___, 402 P.3d at 1262, and we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Silver



_____, J.
Tao



_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Ramon Jacobo Garcia
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk