

IN THE SUPREME COURT OF THE STATE OF NEVADA

MALCOM TYRELL HUMPHREY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 75873

FILED

JAN 17 2019

ELIZABETH A. CROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying appellant Malcolm Humphrey's postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Humphrey argued that the Nevada Department of Corrections improperly failed to apply statutory credits to the minimum term of his sentence. The district court disagreed, finding that the credits could not be applied to the minimum term of his sentence because he had been convicted of a category B felony. *See* NRS 209.4465(8)(d). Although the district court erred in that respect because Humphrey was convicted of attempted coercion, a category C felony, NRS 193.330(1)(a)(3); NRS 207.190(2)(a), no relief is warranted based on that error.²

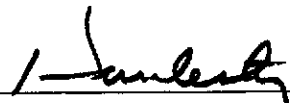
¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); *see also* NRAP 31(d)(1); *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

²The State has suggested that the statutory credits could not be applied to Humphrey's minimum sentence because he was convicted of a felony that involved the use or threat of violence. NRS 209.4465(8)(a). The district court's order did not address that argument. We need not reach it for the reasons discussed in this order.

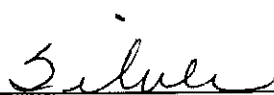
19-02796

The application of statutory credits to a minimum sentence advances the date on which an inmate is eligible for parole. *See Williams v. Nev. Dep't of Corr.*, 133 Nev., Adv. Op. 75, 402 P.3d 1260, 1262 (2017). Because Humphrey had a parole hearing while this appeal has been pending, there is no further relief that can be afforded to him by applying the statutory credits to his minimum sentence. *Id.* at 1265 n.7. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

, J.
Hardesty

, J.
Stiglich

, J.
Silver

cc: Hon. Linda Marie Bell, Chief Judge
Malcom Tyrell Humphrey
Attorney General/Carson City
Eighth District Court Clerk