

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL EARL WISEMAN,
Appellant,
vs.
THE STATE OF NEVADA; NDOC; AND
JAMES DZURENDA, DIRECTOR,
Respondents.

No. 75517-COA

FILED

JAN 17 2019

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

ORDER OF AFFIRMANCE

Michael Earl Wiseman appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on November 7, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition, Wiseman claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court determined Wiseman was not entitled to have good time credits applied to his parole eligibility date because he was serving a sentence for a category B felony he committed after 2007.²

On appeal, Wiseman claims the district court erred by denying his petition because he was entitled to relief based on the Nevada Supreme Court's decision in *Williams v. State Department of Corrections*, 133 Nev.


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

²Wiseman was convicted of trafficking in a controlled substance for an offense he committed on April 10, 2015. See NRS 453.3385(1)(b).

___, 402 P.3d 1260 (2017). However, his claim lacks merit because he committed his crime in 2015, and the Nevada Supreme Court expressly limited the *Williams* decision to crimes that were committed before June 30, 2007. See *Williams*, 133 Nev. at ___ n.7, 402 P.3d at 1265 n.7. Consequently, we conclude the district court did not err by denying Wiseman's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Michael Earl Wiseman
Attorney General/Carson City
Carson City Clerk