

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER THOMAS,
Appellant,
vs.
JAMES DZURENDA, DIRECTOR; AND
JO GENTRY, WARDEN,
Respondents.

No. 75174-COA

FILED

JAN 17 2019

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

ORDER OF AFFIRMANCE

Christopher Thomas appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 8, 2017.¹ Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

Thomas claimed the Nevada Department of Corrections was not properly applying the statutory credits he earned to his maximum and minimum sentences as required by NRS 209.4465. The district court made the following findings. Thomas elected to have his sentences aggregated. NDOC was properly applying statutory credits to Thomas' maximum sentence. And any claim that NDOC failed to properly apply statutory credits to Thomas' minimum sentence was moot because Thomas had already received a parole hearing.


The record supports the district court's factual findings and we conclude the district court did not error by determining Thomas' maximum-sentence claim was belied by the record and his minimum-sentence claim

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).

was moot. *See Williams v. State Dep't of Corr.*, 133 Nev. ___, ___ n.7, 402 P.3d 1260, 1265 n.7 (2017) ("Because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already . . . appeared before the parole board on the sentence."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Gary Fairman, District Judge
Christopher Thomas
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk