

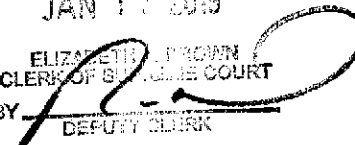
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHAWN MICHAEL RONNIE GOODE,  
Appellant,  
vs.  
PERRY RUSSELL, WARDEN, WSCC,  
Respondent.

No. 75705-COA

FILED

JAN 17 2019

ELIZABETH J. CROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Shawn Michael Ronnie Goode appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on March 2, 2018.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition, Goode 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 Goode was not entitled to have good time credits applied to his parole eligibility date because he was serving sentences for category B felonies. This appeal followed.

First, Goode claims the district court erred by dismissing 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. \_\_\_, 402 P.3d 1260 (2017). However, his claim lacks merit because he committed his crimes in 2011 and 2012, and the Nevada Supreme Court

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

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.

Second, Goode claims the district court erred by dismissing his petition without giving him an opportunity to respond to the State's motion for dismissal. The record demonstrates the district court dismissed Goode's petition before the statutory period for Goode's response had run.<sup>2</sup> *See* NRS 34.750(4) ("The petitioner shall respond within 15 days after service to a motion by the state to dismiss the action."). However, because Goode has not demonstrated he was prejudiced by the district court's error, we conclude no relief is warranted.

Finally, Goode claims the district court erred in its interpretation of NRS 209.4495. We have reviewed the statute and conclude the district court correctly determined Goode was not entitled to have credits applied to his minimum sentence because he committed his crimes after NRS 209.4465 was amended in 2007 and the 2007 amendments specifically exclude category B felons from receiving credit toward their minimum sentence.<sup>3</sup> *See* 2007 Nev. Stat., ch. 525, § 5, at 3177; NRS 209.4465(8)(d); *see generally Robert E. v. Justice Court of Reno Twp.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) ("When presented with a question of statutory interpretation, the intent of the legislature is the controlling


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<sup>2</sup>The State filed its motion to dismiss on April 12, 2018, and the district court entered its order dismissing Goode's petition on April 13, 2018.

<sup>3</sup>Goode was convicted of four counts of robbery with the use of a deadly weapon and four counts of burglary with a deadly weapon for crimes he committed between October 1, 2011, and March 1, 2012. *See* NRS 193.165(1), NRS 200.380(2); NRS 205.060(2), (4).

factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent.”).

Having concluded Goode is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. James Todd Russell, District Judge  
Shawn Michael Ronnie Goode  
Attorney General/Carson City  
Carson City Clerk

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<sup>4</sup>The Honorable Michael L. Douglas did not participate in the decision in this matter.