

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL DALE RULE,
Appellant,
vs.
JO GENTRY, WARDEN; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 75309-COA

FILED

JAN 31 2019

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

ORDER OF AFFIRMANCE


Michael Dale Rule appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on November 21, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Rule 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 denied Rule's petition after finding he had been convicted of a category B felony, he committed his crime after NRS 209.4465 was amended in 2007, and NRS 209.4465(8)(d) specifically excludes the application of statutory credits to the minimum sentences of category B felons. The district court's findings are supported


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).

by the record,² and we conclude the district court did not err by determining Rule was not entitled to the application of statutory credits to his minimum sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Michael Dale Rule
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²Rule was convicted of burglary for a crime he committed on or about August 12, 2014. See NRS 205.060(2).

³To the extent Rule claimed he was entitled to work credits because he was willing to work or attend educational programs, we conclude the district court correctly determined he was not entitled to work credits for work he did not perform. See NRS 209.4465(2); *Vickers v. Dzurenda*, 134 Nev. Adv. Op. 91 *3, ___ P.3d ___, ___ (Ct. App. 2018).