

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMPSEY DONALD EUGENE HOOD,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 76073

FILED

FEB 20 2019

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying Dempsey Hood's postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Relying on NRS 209.4465(7)(b), Hood asserted that the credits he earns under NRS 209.4465 must be applied to the minimum term of his sentence, thus advancing the date that he is eligible for parole. The district court disagreed, concluding that Hood had been convicted of a category A felony (second-degree murder in violation of NRS 200.030) that was committed in 2015, after the effective date of the 2007 amendments to NRS 209.4465, and therefore NRS 209.4465(8)(d) precludes respondent from applying Hood's statutory credits to the minimum term of his sentence. Having reviewed the record, we find no error in the district court's decision. *See Williams v. Nev., Dep't of Corr.*, 133 Nev., Adv. Op. 75, 402 P.3d 1260, 1264 n.6 (2017) (noting NRS 209.4465(8)'s limitation on NRS 209.4465(7)(b) for certain offenses committed after the effective date of the 2007

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).

amendments). And, in addition to the reasoning in the district court's order, we note that the sentencing statute—NRS 200.030(5)(a)—specifies that Hood's "eligibility for parole begin[s] when a minimum of 10 years has been served," so even under NRS 209.4465(7)(b) respondent cannot apply Hood's statutory credits to the minimum term of his sentence. *Id.* at 1263-64. For these reasons, we

ORDER the judgment of the district court AFFIRMED.

Pickering, J.
Pickering

Parraguirre, J.
Parraguirre

Cadish, J.
Cadish

cc: Hon. James Todd Russell, District Judge
Dempsey Donald Eugene Hood
Attorney General/Carson City
Carson City Clerk