

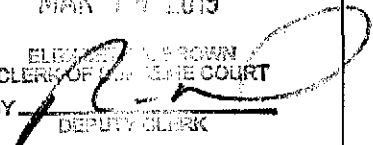
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PABLO RAMON GUERRERO,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 75293-COA

FILED

MAR 14 2019

ELENA S. BROWN
CLERK OF THE COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Pablo Ramon Guerrero appeals from a district court order granting in part and denying in part a postconviction petition for a writ of habeas corpus filed on September 14, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Guerrero claimed the Nevada Department of Corrections was not applying the statutory credits that he earned to his minimum sentences as required by NRS 209.4465(7)(b). The district court found that Guerrero was not entitled to have statutory credits applied to his minimum sentences for first-degree kidnapping with the use of a deadly weapon resulting in substantial bodily harm, first-degree kidnapping with the use of a deadly weapon, and sexual assault. We conclude the district court did not err.


In *Williams v. State Department of Corrections*, the Nevada Supreme Court held that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) “if the sentencing


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).

statute did not specify a minimum sentence that had to be served before parole eligibility.” 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). Guerrero was sentenced under statutes that specified a minimum term that must be served before parole eligibility. See NRS 193.165(1) (1995) (providing the sentence imposed for the weapon enhancement must be equal and consecutive to the sentence imposed for the primary offense); NRS 200.320(1)(b) (setting forth the sentence of “life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served”); NRS 200.320(2)(a) (setting forth the sentence of “life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served”); NRS 200.366(2)(b) (1999) (setting forth the sentence of “life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served”). Consequently, the credits Guerrero earns under NRS 209.4465 *cannot* be applied to his parole eligibility for his first-degree kidnapping and sexual assault offenses.

Having concluded Guerrero is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Pablo Ramon Guerrero
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk