

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUAN SHELBY-DAUGHERTY,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 75538-COA

FILED

MAR 14 2019

ELIZABETH L. PROYER
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joshuan Shelby-Daugherty appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 1, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

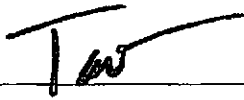
Shelby-Daugherty argued he was entitled to an additional 5 days of credits toward his maximum sentence based on Assembly Bill 25 which went into effect on July 1, 2017 as NRS 209.4465(10).² The district court found Shelby-Daugherty's claim lacked merit because this statute gives the governor discretion to allow an extra 5 days of credits per month to an offender's sentence; however, the governor has not exercised that discretion. Substantial evidence supports the district court's decision, see

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).

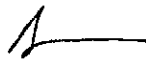
²We conclude the district court did not err by construing Shelby-Daugherty's "motion to recalculate credits" as a postconviction petition for a writ of habeas corpus. See NRS 34.724(1).

NRS 209.4465(10), and we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Joshuan Shelby-Daugherty
Attorney General/Las Vegas
Eighth District Court Clerk