

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GORDON WAYNE SIMPSON,
Appellant,
vs.
ISIDRO BACA, NNCC WARDEN,
Respondent.

No. 75827-COA

FILED

MAR 20 2019

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

ORDER OF AFFIRMANCE


This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on December 27, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


Simpson argues the district court erred by denying his claim the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits to the minimum term of his sentence. The district court found Simpson was not entitled to relief because he is currently serving prison sentences for burglary and establishing or possessing a financial forgery laboratory, category B felonies, *see* NRS 205.060(2); NRS 205.46513(2), committed in 2011. Based on these findings, the district court concluded NDOC may only apply Simpson's credits to his maximum term pursuant to NRS 209.4465(8)(d). Given these


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

circumstances, we conclude the district court did not err by denying this claim.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
Gordon Wayne Simpson
Attorney General/Carson City
Carson City Clerk

²We also conclude Simpson failed to demonstrate NRS 209.4465 and the specific statutes under which he was convicted were ambiguous or in conflict. See *Williams v. Nev. Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017).