

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELVIS WELLS, JR.,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 76665-COA

**FILED**

MAR 26 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Elvis Wells, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 7, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Wells 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 determined Wells was not entitled to have good time credits applied to his parole eligibility date because he was serving sentences for category A felonies that involved the use or threatened use of force or violence against a victim.<sup>2</sup>

---


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

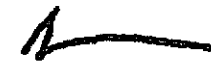
<sup>2</sup>Wells was convicted of conspiracy to commit robbery, burglary while in the possession of a firearm, assault with a deadly weapon, and attempted robbery with the use of a deadly weapon for crimes he committed in 2014. He was adjudicated a habitual criminal for each of these crimes. And he was sentenced pursuant to NRS 207.010(1)(b)(3).

On appeal, Wells appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Wells was not entitled to have credits deducted from his minimum sentences because he committed his crimes after NRS 209.4465 was amended in 2007 and the 2007 amendments specifically exclude offenders convicted of category A or B felonies or felonies that involve "the use or threatened use of force or violence against the victim" from receiving credit toward their minimum sentence. See 2007 Nev. Stat., ch. 525, § 5, at 3177; NRS 209.4465(8)(a) & (d); see generally *Robert E. v. Justice Court of Reno Twp.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) ("When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court can not go beyond the statute in determining legislative intent."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Linda Marie Bell, Chief Judge  
Elvis Wells, Jr.  
Attorney General/Las Vegas  
Eighth District Court Clerk