

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUIS ANTONIO CUETO-REYES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76283-COA

FILED

APR 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Luis Antonio Cueto-Reyes appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 25, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Cueto-Reyes 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 Nevada Supreme Court recently held that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) “if the sentencing statute *did not* specify a minimum sentence that had to be served before parole eligibility.” *Williams v. State Dep’t of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017) (emphasis added). Cueto-Reyes was sentenced under a statute that specified a minimum term that must be served before parole eligibility. See NRS 200.030(5)(a) (setting forth the sentence of “life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years


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).

has been served"). Therefore, the credits Cueto-Reyes earns under NRS 209.4465 *cannot* be applied to his parole eligibility. Accordingly, we conclude the district court did not err by rejecting Cueto-Reyes' claim, and we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Luis Antonio Cueto-Reyes
Attorney General/Las Vegas
Eighth District Court Clerk

²To the extent Cueto-Reyes claimed he was deprived of equal protection of the law, we conclude his claim is without merit because people who have been sentenced under statutes that specify a minimum term that must be served before parole eligibility are not similarly situated to people who have been sentenced under statutes that do not specify a minimum sentence that must be served before parole eligibility. *See Vickers v. Dzurenda*, 134 Nev. ___, ___, 433 P.3d 306, 308 (Ct. App. 2018) ("At the heart of the Equal Protection Clauses is the idea that all people similarly situated are entitled to equal protection of the law.").