

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN LARUE SCOTT,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 76496-COA

FILED

MAY 15 2019

EVANETTE H. BROWN
CLERK OF THE COURT
BY *[Signature]*
CHIEF CLERK

ORDER OF AFFIRMANCE

Steven Larue Scott appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 12, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Scott claimed he is entitled to the application of statutory credits to his minimum and maximum sentences pursuant to NRS 209.4465(7).² Scott was sentenced to two consecutive terms of life in prison with the possibility of parole after 10 years for crimes he committed in October 2001. The version of NRS 209.4465 in effect at the time he committed the crimes governs. *See Weaver v. Graham*, 450 U.S. 24, 31-33 (1981); *Goldsworthy v. Hannifin*, 86 Nev. 252, 255, 468 P.2d 350, 352 (1970).

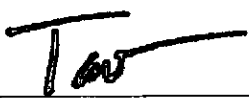
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²To the extent Scott claimed he is entitled to the application of credit to his maximum term, he did not support the claim with specific factual allegations that would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

NRS 209.4465(7)(b) provides for the application of credits to a minimum sentence “unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.”³ Scott was sentenced pursuant to NRS 207.010(1)(b)(2),⁴ which provides for “eligibility for parole beginning when a minimum of 10 years has been served.” The statute pursuant to which Scott was sentenced falls under the exception in NRS 209.4465(7)(b), and he is thus not entitled to the application of credits to his minimum sentences. Scott is also not entitled to the application of statutory credits to his maximum sentences. *See Hunt v. Warden*, 111 Nev. 1284, 1285, 903 P.2d 826, 827 (1995) (“Respondent [warden] is not obligated to apply good time credit to appellant’s sentence of life in prison.”). We therefore conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

³NRS 209.4465(8), which further limits the application of credits pursuant to NRS 209.4465(7)(b), was enacted in 2007 and thus does not apply to Scott’s case. *See* 2007 Nev. Stat., ch. 525, § 5, at 3177.

⁴To the extent Scott challenges the failure of the sentencing court to include the sentencing statute in his judgment of conviction, such a claim is outside the scope of a postconviction petition challenging the computation of time served. *See* NRS 34.738(3). Further, “the language in the judgment of conviction is not relevant in determining whether the limiting language in NRS 209.4465(7)(b) applies.” *Williams v. State Dep’t of Corr.*, 133 Nev. 594, 597 n.3, 402 P.3d 1260, 1267 n.3 (2017).

cc: Hon. Linda Marie Bell, Chief Judge
Steven Larue Scott
Attorney General/Carson City
Eighth District Court Clerk