

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACK L. HENDERSON AKA JACKIE
HENDERSON,
Appellant,
vs.
THE STATE OF NEVADA; AND
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondents.

No. 76501-COA

FILED

MAY 21 2019

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

ORDER OF AFFIRMANCE

Jack L. Henderson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 9, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Henderson claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum terms for his convictions for burglary while in possession of a firearm, second-degree kidnapping with the use of a deadly weapon, attempted robbery with the use of a deadly weapon, victim age 60 or older, and robbery with the use of a deadly weapon. He also made an equal protection claim. Henderson has not yet begun to serve his sentences for these convictions; therefore, this claim was not yet ripe. *See Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 38 n.1, 175 P.3d 906, 907 n.1 (2008) (“A case is ripe for review when the degree to which the harm alleged

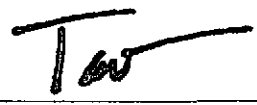
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


by the party seeking review is sufficiently concrete, rather than remote or hypothetical, and yields a justiciable controversy.” (internal punctuation and quotation marks omitted)).

To the extent Henderson claimed NDOC improperly declined to apply statutory credits toward his minimum term for his second-degree murder conviction, this claim lacked merit. The district court denied Henderson’s claim as moot because Henderson had already appeared before the parole board. Further, even if this claim was not moot, the district court found Henderson was convicted of second-degree murder, a category A felony that required a minimum term be served before parole eligibility, *see* 1995 Nev. Stat., ch. 443, § 44, at 1182, and therefore, he was not entitled to credit toward his minimum term. Substantial evidence supports the decision of the district court, *see* 1997 Nev. Stat., ch. 641, § 4(7)(b), at 3175, *Williams v. State Dep’t of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017), and we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

²To the extent Henderson challenged the portion of the district court’s order denying his request to be transported to the hearing on his petition, we conclude the district court did not err by denying his request because the district court did not hear argument or take evidence at the hearing. *Cf. Gebers v. State*, 118 Nev. 500, 504, 50 P.3d 1092, 1094-95 (2002).

cc: Hon. Linda Marie Bell, Chief Judge
Jack L. Henderson
Attorney General/Las Vegas
Eighth District Court Clerk