

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARVIN YARRELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77175-COA

FILED

MAY 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Marvin Yarrell appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 6, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Yarrell claims the district court erred by denying his claim the Nevada Department of Corrections (NDOC) improperly declined to apply credits to his minimum term. Yarrell claims he was convicted of two counts of possession of a controlled substance, category E felonies and, therefore, he should be receiving credits toward his minimum terms. The district court found that while Yarrell was convicted of category E felonies for crimes committed in 2014, those crimes were enhanced to category B felonies pursuant to the small habitual criminal statute. See NRS 207.010(1)(a). Therefore, the district court found Yarrell was not entitled to have credits applied to his sentence. The record supports the decision of the district court, see NRS 209.4465(8)(d); *Doolin v. State*, 134 Nev. Adv.

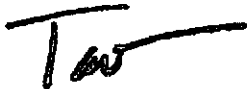
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

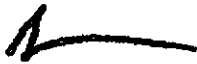
Op. 98, *8, ___ P.3d ___, ___ (Ct. App. 2018), and we conclude the district court did not err by denying this claim.

To the extent Yarrell claims the district court erred by denying his claim NDOC improperly declined to apply credits to his minimum term for his battery with the use of a deadly weapon constituting domestic violence, we conclude the district court correctly found Yarrell was convicted of a category B felony, *see* NRS 200.481(e)(1); NRS 207.010(1)(a), committed in 2014, and was not entitled to credits toward his minimum term. *See* NRS 209.4465(8)(d). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Marvin Yarrell
Attorney General/Las Vegas
Eighth District Court Clerk