

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SCOTT ANTHONY CANNADY,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN; HIGH  
DESERT STATE PRISON; OFFENDER  
MANAGEMENT DIVISION; AND THE  
STATE OF NEVADA,  
Respondents.

No. 76855-COA

**FILED**

MAY 21 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Scott Anthony Cannady appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his January 9, 2018, petition, Cannady claimed the Nevada Department of Corrections (NDOC) improperly refused to apply his statutory credits toward his parole eligibility dates. The district court found Cannady previously aggregated his sentences, had a parole hearing for the aggregated sentences in 2016, and the parole hearing rendered his claim moot. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (“[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence.” (internal citation omitted)). The record before this court supports the district court’s findings and we conclude the district court did not err by denying this claim.


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<sup>1</sup>This 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).

Second, Cannady claimed he was entitled to work credits because he was willing to work and NDOC failed to properly apply credits toward his maximum terms. We conclude the district court properly determined Cannady was not entitled to work credits for work he did not perform. See NRS 209.4465(2); *Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91 \* 3, 433 P.3d 306, 308 (Ct. App. 2018). The district court also found NDOC had properly applied Cannady's credits toward his maximum terms and the record supports this finding. Therefore, the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Scott Anthony Cannady  
Attorney General/Las Vegas  
Eighth District Court Clerk