

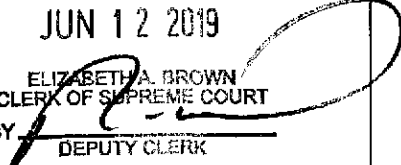
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHOD N. WALKER,
Appellant,
vs.
JO GENTRY, WARDEN; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

No. 76989-COA

FILED

JUN 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Shod N. Walker appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 19, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Walker claims the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided in NRS 209.4465(7)(b) (1997). In *Williams v. State Department of Corrections*, the Nevada Supreme Court held that credits earned pursuant NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced under a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility. 133 Nev. 594, 596-97, 402 P.3d 1260, 1262 (2017).


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).


Walker was convicted of second-degree murder with the use of a deadly weapon for an offense he committed in April 2003. He was sentenced to a prison term of life with a minimum parole eligibility of ten years for the murder conviction and an equal and consecutive prison term of life with minimum parole eligibility of ten years for the deadly weapon enhancement. He has since been paroled from the murder conviction and is now serving the sentence for the deadly weapon enhancement.

Walker was sentenced under statutes that expressly require him to serve a minimum term before becoming eligible for parole. *See* NRS 193.165 (1995) (providing that the sentence for a weapon enhancement must be equal and consecutive to the sentence for the primary offense); NRS 200.030(5) (providing that a person convicted of second-degree murder shall be punished by imprisonment for "life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served"). Consequently, the credits Walker earns pursuant to NRS 209.4465 *cannot* be applied to his parole eligibility for this sentence, *see Williams*, 133 Nev. at 596-97, 402 P.3d at 1262, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Shod N. Walker
Attorney General/Las Vegas
Eighth District Court Clerk