

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EUGENE LARRY MATTHEWS,
Appellant,
vs.
THE STATE OF NEVADA; BRIAN
WILLIAMS, WARDEN; HIGH DESERT
STATE PRISON; AND OFFENDER
MANAGEMENT DIVISION,
Respondents.

No. 76190-COA

EUGENE LARRY MATTHEWS,
Appellant,
vs.
THE STATE OF NEVADA; AND
N.D.O.C. WARDEN BRIAN WILLIAMS,
Respondents.

No. 76191-COA

FILED

JUN 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Eugene Larry Matthews appeals from a single district court order denying a petition for a writ of habeas corpus filed in district court case number A-17-759035-W on July 28, 2017, (Docket No. 76190-COA), and a petition for a writ of habeas corpus filed in district court case number A-17-761542-W on September 15, 2017, (Docket No. 76191-COA).¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Matthews claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court rejected this claim after finding Matthews had been convicted of two category B felonies, one of the felonies involved the use or threatened use of force or violence against the


¹These appeals have 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).


victim, both of the felonies were committed after NRS 209.4465 was amended in 2007, and NRS 209.4465(8) specifically excludes the application of statutory credits to the minimum sentences of felons convicted of these types of crimes. The district court's findings are supported by the record,² and we conclude the district court did not err by determining Matthews was not entitled to the application of statutory credits to his minimum sentence.

Matthews also claimed he was entitled to work credits because he "has made every effort to participate in rehabilitation, educational, and/or work programs while in prison." We conclude the district court properly determined he was not entitled to work credits for work he did not perform and he has not demonstrated he did not receive work credits for work he did perform. See NRS 209.4465(2); *Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91 at *2-3, 433 P.3d 306, 308 (Ct. App. 2018).

Having concluded Matthews is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

²Matthews was convicted of burglary and robbery for crimes he committed in September 2016. See NRS 200.380; NRS 205.060(2).

cc: Hon. Linda Marie Bell, Chief Judge
Eugene Larry Matthews
Attorney General/Las Vegas
Eighth District Court Clerk