

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

URIEL VELASCO,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 77193-COA

FILED

JUN 25 2019

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

ORDER OF AFFIRMANCE

Uriel Velasco appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 28, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

First, Velasco claimed the Nevada Department of Corrections (NDOC) did not apply credit for presentence confinement to his sentence as required by the judgment of conviction.² However, the district court found the credit for time served was properly applied to Velasco's sentence for murder and Velasco was not entitled to have the credit applied again to his sentence for use of a deadly weapon. The record supports the district court's finding, and we conclude the district court did not err by rejecting Velasco's claim.

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).


²Velasco was convicted of second-degree murder with the use of a deadly weapon for a crime he committed in 2002. He was sentenced to two consecutive prison terms of 10 to 25 years. And he was awarded 1,527 days' credit for time served.

Second, Velasco claimed NDOC was not applying the credits he has earned to his minimum sentence for the use of a deadly weapon as required by NRS 209.4465(7)(b) and *Williams v. State Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017). However, the district court found Velasco was not entitled to have credits applied to his parole eligibility date because he was sentenced under a statute that specified a minimum sentence that must be served before parole eligibility and a statute that imposed an equal and consecutive sentence. The record supports the district court's findings, and we conclude the district court did not err by rejecting Velasco's claim. See NRS 193.165(1) (1995); NRS 200.030(5)(b); NRS 209.4465(7)(b); *Williams*, 133 Nev. at 596-97, 402 P.3d at 1262.

Third, Velasco claimed NDOC was not applying the credits he has earned pursuant to Assembly Bill 25, which went into effect on July 1, 2017, and was codified at NRS 209.4465(10). However, the district court found that Velasco was not entitled to additional credit pursuant to Assembly Bill 25 because the Governor had not issued an executive order authorizing the application of additional credit to inmate sentences. The record supports the district court's finding, and we conclude the district court did not err by rejecting Velasco's claim. See NRS 209.4465(10).

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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