

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND R. TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA;
DEPARTMENT OF CORRECTIONS;
AND T. THOMAS, WARDEN,
Respondents.

No. 77208-COA

FILED

JUL 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Raymond R. Taylor appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 21, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Taylor claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. The district court found that Taylor was serving a sentence for first-degree kidnapping with the use of a deadly weapon and he was not entitled to have statutory credits applied to his minimum sentence for that offense.² We conclude the district court did not err.

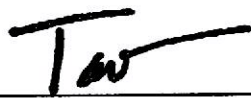
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

²Taylor was convicted of battery constituting domestic violence with the use of a deadly weapon and first-degree kidnapping with the use of a deadly weapon for crimes he committed in 2005. The district court did not impose deadly weapon enhancements for either of these counts, and Taylor has since discharged his sentence for the domestic battery count.

In *Williams v. State Department of Corrections*, the Nevada Supreme Court held that credits earned pursuant to NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) "if the sentencing statute did not specify a minimum sentence that had to be served before parole eligibility." 133 Nev. 594, 597, 402 P.3d 1260, 1262 (2017). Taylor, however, was sentenced under a statute that specified a minimum term that must be served before parole eligibility. See NRS 200.320(2)(a) (setting forth the sentence of "a definite term of 15 years, with eligibility for parole beginning when a minimum of 5 years has been served"). Consequently, the credits he earns pursuant to NRS 209.4465 cannot be applied to his parole eligibility for his first-degree-kidnapping offense.

Having concluded Taylor 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
Raymond R. Taylor
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk