

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL TODD SANZO,  
Appellant,  
vs.  
HAROLD WICKHAM, WARDEN,  
Respondent.

No. 70925

**FILED**

JUN 14 2017

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

*ORDER OF AFFIRMANCE*

Michael Todd Sanzo appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his May 19, 2016, petition, Sanzo claimed the Nevada Department of Corrections (NDOC) has improperly declined to apply his statutory credits toward his minimum terms. The district court concluded Sanzo was not entitled to relief because he was convicted of battery by strangulation constituting domestic violence, committed the crime in 2015, and such a conviction involved the use or threatened use of force or violence against the victim. For those reasons, the district court concluded the NDOC may only apply Sanzo's statutory credits toward his maximum

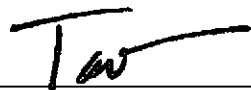
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

terms pursuant to NRS 209.4465(8)(a).<sup>2</sup> Given these circumstances, we conclude the district court properly denied the petition and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

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

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

cc: Hon. James E. Wilson, District Judge  
Michael Todd Sanzo  
Attorney General/Carson City  
Carson City Clerk

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<sup>2</sup>We note the district court also concluded Sanzo is not entitled to relief because he was convicted of a category B felony. However, battery by strangulation constituting domestic violence is a category C felony. NRS 200.485(2). Nevertheless, as the district court properly denied the petition, we affirm. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).