

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN SHERVEN,
Appellant,
vs.
ISIDRO BACA, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 71478

FILED

OCT 12 2017

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

ORDER OF AFFIRMANCE

Brian Sherven appeals from an order of the district court denying his August 1, 2016, postconviction petition for a writ of habeas corpus challenging his computation of time served.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Sherven claimed the Nevada Department of Corrections should have been applying credits he earned pursuant to NRS 209.4465 to his parole eligibility as required by the 2007 amendments to that statute. Sherven's claim lacked merit. NRS 209.4465(7)(b) provides for the application of credits to parole eligibility, but since 2007 it has begun, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8) has specifically excluded offenders convicted of a category B felony from having credits applied to their parole eligibility. See 2007 Nev. Stat., ch. 525, § 5, at 3177. Sherven was convicted of attempted lewdness with a child under 14 years of age, a category B felony. See NRS 193.330(1)(a)(1); NRS

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).

201.230(2). Accordingly, Sherven is not entitled to the application of credits to his parole eligibility, and we

ORDER the judgment of the district court AFFIRMED.

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Brian Sherven
Attorney General/Carson City
Carson City Clerk