

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TAMAS HORVATH,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; AND ISIDRO BACA,
WARDEN,
Respondents.

No. 71307

FILED

JUN 14 2017

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

ORDER OF AFFIRMANCE

Tamas Horvath appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

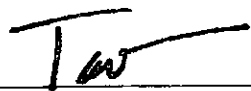
In his June 24, 2016, petition, Horvath claimed the Nevada Department of Corrections (NDOC) has improperly declined to apply his statutory credits toward his minimum terms. The district court concluded Horvath was not entitled to relief because Horvath is currently serving prison terms for category B felonies and convictions involving the use of force or threatened use of force or violence against a victim, committed in 2013, and for those reasons, the NDOC may only apply Horvath's statutory credits toward his maximum terms pursuant to NRS

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

209.4465(8)(a), (d).² Given these circumstances, we conclude the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Tamas Horvath
Attorney General/Carson City
Carson City Clerk

²The record demonstrates Horvath was convicted of invasion of the home while in possession of a deadly weapon, discharging a firearm at or into a structure, attempted invasion of the home, and resisting a public officer with the use of a firearm. See NRS 193.330(3); NRS 199.280; NRS 202.285(1)(b); NRS 205.067.