

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAURICE HIAWATHA THOMAS,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN OF  
NORTHERN NEVADA  
CORRECTIONAL CENTER,  
Respondent.

No. 72206

FILED

OCT 11 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Maurice Hiawatha Thomas appeals from a district court order dismissing the postconviction petition for a writ of habeas corpus he filed on May 18, 2016.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition, Thomas claimed the Nevada Department of Corrections was not applying the statutory credits he had earned to his minimum sentence as required by NRS 209.4465. The district court determined Thomas had failed to state a valid claim for relief because he was convicted of a category B felony for a crime he committed on September 5, 2014.

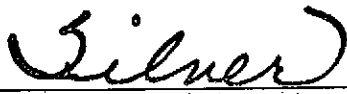
Thomas claims the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Thomas was not entitled to have credits deducted from his minimum sentence because he committed his crime after


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

NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Thomas from receiving credit toward their minimum sentence. See NRS 453.3385(2); 2007 Nev. Stat., ch. 525, § 5, at 3177; *Robert E. v. Justice Court of Reno Twp., Washoe Cty.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (“When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent.”). Accordingly, we.

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. James Todd Russell, District Judge  
Maurice Hiawatha Thomas  
Attorney General/Carson City  
Attorney General/Las Vegas  
Carson City Clerk