


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHANE DONOVAN BROOKS,
Appellant,
vs.
TIMOTHY FILSON, WARDEN; AND
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 77999-COA

FILED

AUG 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Shane Donovan Brooks appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on April 24, 2018. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.


In his petition, Brooks claimed the Nevada Department of Corrections improperly declined to apply his statutory credits to the minimum terms of his sentences. The State conceded Brooks was entitled to have credits applied to the minimum terms of his sentences, the Nevada Department of Corrections corrected this error, and Brooks received a parole hearing in October of 2018. The district court concluded that Brooks received the relief he requested and received a parole hearing. Therefore, the district court dismissed the petition as moot.

On appeal, Brooks argues the district court erred by denying his petition because he believes he was entitled to the credits he did not receive on convictions that he has already been paroled from. He claims these credits should be applied to his current sentence. This claim lacks merit. A parole hearing is the only relief available for the failure to apply

statutory credits and no statutory authority or case law permits a retroactive grant of parole. See *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017). Brooks already received parole hearings on his convictions and he is not entitled to a retroactive grant of parole. Therefore, we conclude the district court did not err by dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Shane Donovan Brooks
Attorney General/Carson City
Attorney General/Ely
White Pine County Clerk