

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMMY EARL COLLINS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69251

FILED

AUG 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court dismissing a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Susan Johnson, Judge.


Appellant Sammy Earl Collins argues the district court erred in dismissing his June 11, 2015, petition. Collins argues the Nevada Department of Corrections (NDOC) improperly calculated his sentence, which resulted in him improperly receiving early parole hearings in 2000, 2003, and 2006. Collins asserted he was not actually eligible to be paroled until 2069 and requests an order granting more than seven years of credit against all of his remaining terms or an order releasing him from prison due to the alleged calculation errors.

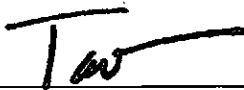
Our review of the record reveals Collins is not entitled to relief. Collins' initial controlling sentence for purposes of parole eligibility was a conviction for robbery with the use of a deadly weapon, with a victim over the age of 65, which carried a sentence of 40 to 180 months in


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

prison with a consecutive term of 40 to 180 months in prison for the deadly weapon enhancement.² See NRS 213.1213(1). Given the February 5, 1997, sentencing date, the NDOC correctly concluded Collins was first eligible for a parole hearing in 2000, and correctly conducted the subsequent hearings in 2003 and 2006.³ See NRS 213.120(2); NRS 213.142(1). Therefore, the district court properly concluded Collins failed to demonstrate the NDOC erred in calculating the dates for his parole hearings. We conclude the district court properly dismissed the petition and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

²The record demonstrates Collins is serving a prison term pursuant to a judgment of conviction containing 18 counts: three counts of burglary in possession of a firearm, one count of battery with the use of a deadly weapon of a victim over the age of 65, one count of robbery with the use of a deadly weapon with a victim over the age of 65, five counts of robbery with the use of a deadly weapon, three counts of battery with the use of a deadly weapon, three counts of attempted robbery with the use of a deadly weapon, one count of burglary, and one count of robbery.

³We note Collins does not allege and the record does not reveal whether Collins had previously requested to aggregate his terms or whether Collins' terms were eligible for aggregation. See NRS 213.1212(3).

cc: Hon. Susan Johnson, District Judge
Sammy Earl Collins
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk