

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK ROBERT COLLINS,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN NORTHERN  
NEVADA CORRECTIONAL CENTER,  
Respondent.

No. 77971

**FILED**

OCT 08 2019

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

*ORDER OF AFFIRMANCE*

Mark Robert Collins appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 27, 2018. First Judicial District Court, Carson City; James Todd Russell, Judge.


Collins claims the district court erred by denying his claim that the Nevada Department of Corrections was improperly declining to apply his statutory credits toward his minimum term. Specifically, he claims the district court erred by finding the statutory credits do not apply to the portion of his sentence for the deadly weapon enhancement. He claims the sentence for the deadly weapon enhancement did not require a minimum term before parole eligibility and the deadly weapon enhancement is not an A or B felony.

A person convicted of an A or B felony or of a felony that involves the use or threat of violence for an offense committed after June 30, 2007, is not entitled to have credits applied to his or her minimum term for that offense. *See* NRS 209.4465(8)(a), (d). Collins was convicted of robbery with the use of a deadly weapon, a crime of violence and a category B felony, *see* NRS 200.380(2); NRS 193.165(1), that he committed between

November 8, 2007, and February 7, 2008. Further, the deadly weapon enhancement is not a crime separate from the primary offense, *see* NRS 193.165(3); therefore, the application of credits to the sentence for the deadly weapon enhancement would be treated the same as application of credits to the primary offense. Because Collins was not entitled to the application of statutory credits to apply to the sentence for his primary offense, he was not entitled to the application of credits toward the sentence for the deadly weapon enhancement. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James Todd Russell, District Judge  
Mark Robert Collins  
Attorney General/Carson City  
Carson City Clerk