

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIT FANULE AUGBORNE,
Appellant,
vs.
TIMOTHY FILSON, WARDEN; AND
THE STATE OF NEVADA,
Respondents.

No. 77613-COA

FILED

OCT 08 2019

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

ORDER OF AFFIRMANCE


Brit Fanule Augborne appeals from a district court order denying a postconviction petition for a writ of habeas corpus that challenged the computation of time served. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

In his petition below, Augborne claimed he was entitled to have statutory credit applied to his minimum term because his sentence does not require him to serve a mandatory minimum term before being eligible for parole. The district court found that Augborne was convicted of robbery with the use of a deadly weapon, a category B felony, *see* NRS 200.380(2), for an offense committed in 2013, which was after the effective date of NRS 209.4465(8). The district court therefore concluded NRS 209.4465(8)(d) prohibited the application of statutory credit to Augborne's minimum term. The district court's findings are supported by the record and we conclude

the district court did not err by denying Augborne's petition. Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Brit Fanule Augborne
Attorney General/Ely
White Pine County Clerk