

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEANN ISOBELL GARCIA,
Appellant,
vs.
WARDEN, NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 79860-COA

FILED

JUL 24 2020

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

ORDER OF AFFIRMANCE

Leann Isobell Garcia appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.


In her May 8, 2019, petition, Garcia claimed the Nevada Department of Corrections (NDOC) erroneously failed to apply her statutory credits toward her minimum parole eligibility date for crimes she committed in 2002. The district court concluded Garcia was not entitled to relief because she is currently serving a sentence for first-degree murder and was sentenced for that conviction pursuant to a statute that specified a minimum sentence that must be served before a defendant becomes eligible for parole.¹ See NRS 200.030(4)(b)(2). Because the statute specified a minimum sentence that must be served before Garcia becomes eligible for parole, NDOC may not apply statutory credits to reduce Garcia's minimum

¹The district court also found that Garcia will be entitled to the application of credits toward the minimum sentences for her convictions of robbery with the use of a deadly weapon and grand larceny auto pursuant to NRS 209.4456(7)(b), but she had yet to begin serving those terms.

term for her murder conviction. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017). Based on the record concerning Garcia's statutory credits, the district court found NDOC appropriately calculated Garcia's time served and denied the petition. Substantial evidence supports the district court's findings, and we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Leann Isobell Garcia
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk