


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EMMANUEL MAYBON,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 81148-COA

FILED

NOV 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Emmanuel Maybon appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on January 31, 2020. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Maybon claimed he was entitled to the application of statutory credits to his minimum aggregated sentence pursuant to NRS 209.4465(9). NRS 209.4465(9) provides that credits may reduce a sentence "by not more than 58 percent" if certain criteria are met. That is, the subsection places an upper limit on the amount of earned credits that can be applied to sentences but does not confer any additional right to credit. We therefore conclude the district court did not err by denying this claim.

And Maybon was precluded from the application of statutory credits to his aggregated minimum sentence by NRS 209.4465(8). The district court found Maybon's sentence was the result of convictions for category B felonies committed in 2017: robbery with the use of a deadly weapon and battery with the intent to commit a crime. These findings are supported by the record. See NRS 193.165(3); NRS 200.380(2); NRS 200.400(2). Because Maybon's sentence was the result of convictions for

category B felonies committed after the effective date of NRS 209.4465(8)(d), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his minimum sentence.

Having concluded Maybon is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Emmanuel Maybon
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk