

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WYKEAN DAWONE JOHNSON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; THE
STATE OF NEVADA; AND OFFENDER
MANAGEMENT DIVISION,
Respondents.

No. 80976-COA

FILED

DEC 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER OF AFFIRMANCE

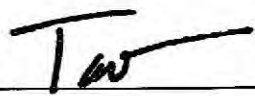
Wykean Dawone Johnson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.


In his October 2, 2019, petition, Johnson first claimed the Nevada Department of Corrections (NDOC) erroneously failed to apply his statutory credits toward his minimum parole eligibility date and his maximum term. The district court concluded Johnson received a parole hearing and the hearing rendered Johnson's claim concerning the application of credits toward his minimum parole eligibility date moot. See *Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) ("[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence." (internal citation omitted)). The district court also concluded NDOC's reports demonstrated that Johnson's credits had been properly applied toward his maximum term. The record before this court supports the district court's decisions, and we conclude the district court did not err by denying this claim.

Second, Johnson claimed he was entitled to additional work and meritorious credits because he has made every possible effort to participate in educational, rehabilitation, and work programs but was restricted by his custody level. The district court found NDOC's documents demonstrated that Johnson received the appropriate amount of work and meritorious credits for his actual labor and participation in programs. We conclude the district court properly determined Johnson was not entitled to work or meritorious credits where he did not actually work or participate in programs. See NRS 209.4465(2), (5); *Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018). Therefore, the district court properly denied the petition, and we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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

¹Johnson also appeared to assert that he was improperly paid a lower wage for his labor because he was held in protective custody. However, this was a challenge to Johnson's conditions of confinement, and a postconviction petition for a writ of habeas corpus was not the proper vehicle to raise such a challenge. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Therefore, Johnson was not entitled to relief based upon this claim.