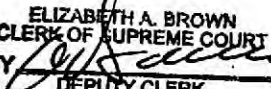IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CASSANDRA ANN THOMAS,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 80996-COA

FILED

DEC 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY_____
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cassandra Ann Thomas 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 her January 14, 2019, petition, Thomas claimed she is entitled *now* to the application of credits to the minimum terms of a sentence she has not yet begun to serve.[1] A petitioner is entitled to the application of statutory credits pursuant to NRS 209.4465 "[f]or the period the offender is actually incarcerated pursuant to . . . her sentence." NRS 209.4465(1)(a); *accord Williams v. State Dep't of Corr.*, 133 Nev. 594, 601, 402 P.3d 1260, 1266 (2017) (concluding the petitioner was entitled to the application of credits to "any sentence she is currently serving"). Because Thomas is not currently serving the sentence for which she is seeking the

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[1]Thomas is currently serving a sentence for second-degree murder with the use of a deadly weapon. When she is paroled from that sentence, she will begin to serve her sentence for robbery with the use of a deadly weapon.

application of credits, she is not yet entitled to the application of credits to that sentence. Therefore, we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.[2]

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

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

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[2]Thomas committed her crimes in 2006. The district court correctly determined that Thomas will be entitled to the application of credits to her robbery sentence once she begins to serve it. *See* NRS 200.380(2); NRS 209.4465(7)(b) (2003); *Williams*, 133 Nev. at 597-600, 402 P.3d at 1262-65.