

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRENT DIRDEN,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN;  
OFFENDER MANAGEMENT  
DIVISION; AND THE STATE OF  
NEVADA,  
Respondents.

No. 81232-COA

**FILED**

APR 28 2021

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

*ORDER AFFIRMING IN PART, REVERSING IN PART AND  
REMANDING*

Trent Dirden appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 23, 2019.<sup>1</sup> Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

First, Dirden claimed the Nevada Department of Corrections (NDOC) is failing to apply statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). The district court found Dirden was convicted of second-degree murder with the use of a deadly weapon, which

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<sup>1</sup>Contrary to the State's argument, Dirden's notice of appeal was timely submitted to the clerk of the district court for filing. The district court filed a notice of entry of the order denying Dirden's petition on April 9, 2020. Dirden had 30 days to file an appeal, *see* NRAP 4(b)(1)(A), but because May 9, 2020 fell on a Saturday, Dirden's 30-day appeal period was extended until Monday, May 11, 2020. *See* NRAP 26(a)(1)(C). And Dirden had an additional three days in which to file his notice of appeal, *see* NRAP 26(c), such that Dirden had to have his notice of appeal to the clerk of the district court on or before May 14, 2020. The clerk stamped Dirden's notice of appeal as received on May 13, 2020.

he committed in 2000. These findings are supported by the record before this court. At the time Dirden committed his crime, NRS 209.4465(7)(b) allowed for the application of statutory credits to minimum sentences only where the offender was not “sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.” 1999 Nev. Stat., ch. 552, § 8, at 2881. Dirden was sentenced pursuant to a statute that provided for “eligibility for parole beginning when a minimum of 10 years has been served.” NRS 200.030(5)(b); *see* NRS 193.165(3). Accordingly, Dirden was not entitled to the application of statutory credits to his minimum sentence, and we conclude the district court did not err by denying this claim. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 597-99, 402 P.3d 1260, 1263-64 (2017); *see also Perez v. Williams*, 135 Nev. 189, 191, 444 P.3d 1033, 1034 (2019).

Second, Dirden claimed NDOC is failing to award statutory good-time credits to his maximum sentence. The district court found that NDOC is properly awarding Dirden statutory good-time credits against his maximum term of imprisonment for the deadly weapon enhancement. This finding is supported by the record before this court. Insofar as Dirden claimed NDOC failed to properly award credit to his maximum term of imprisonment for murder, he has discharged that sentence. Accordingly, any claims for credit as to that sentence are moot. *See Johnson v. Dir., Nev. Dep’t of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). We therefore conclude the district court did not err by denying Dirden’s claims regarding statutory good-time credits.

Third, Dirden claimed NDOC is failing to award labor credits for time he was able and willing to work. Dirden did not identify any labor that he performed for which he was denied the application of credit. We

therefore conclude the district court did not err by denying this claim. *See Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018) (holding an inmate is not entitled to credits where he has not engaged in labor); *Rippo v. State*, 134 Nev. 411, 426, 423 P.3d 1084, 1100 (2018) (denying relief where petitioner failed to raise claims supported by specific factual allegations that are not belied by the record and, if true, would entitle him to relief).

Fourth, Dirден claimed NDOC failed to award him credits for earning his diploma. The district court found NDOC awarded Dirден credits for earning his diploma. This finding is supported by the record before this court. Because Dirден's claim is belied by the record, we conclude the district court did not err by denying this claim. *See Rippo*, 134 Nev. at 426, 423 P.3d at 1100.

Fifth, Dirден claimed NDOC failed to award him meritorious credits for three introductory classes he took. These classes were not approved for meritorious credit. *See AR 803*. We therefore conclude the district court did not err by denying this claim.

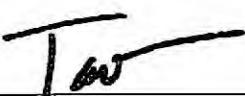
Finally, Dirден claimed NDOC failed to award him meritorious credits for earning his GED and for completing a three-part Commitment to Change course. The district court denied the claims on the grounds that Dirден had earned his GED while in county jail rather than in NDOC custody and that he had already received credit for the Commitment to Change course. Because nothing in the record before this court supports the district court's findings, we directed the State to file a response to this claim. The State has now provided this court with copies of documents supporting the district court's findings. However, because these documents were not filed in or considered by the district court below, they are not

properly before this court, and this court cannot consider them when resolving this appeal. See NRAP 10; *A Minor v. State*, 85 Nev. 185, 190, 454 P.2d 895, 896 (1969) ("In determining cases, an appellate court must confine its consideration to the facts reflected in the record and the necessary and reasonable inferences that may be drawn therefrom."). Because the record that is properly before this court does not support the district court's decision that Dirden earned his GED while in jail and that he has already received credit for the Commitment to Change course, we are constrained to reverse and remand for the district court to reconsider these claims.

Having concluded Dirden is only entitled to the relief described herein, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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