

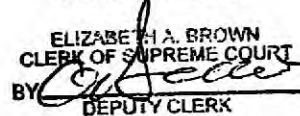
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMMY EARL COLLINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82581-COA

**FILED**

AUG 30 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Sammy Earl Collins appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 4, 2020. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Collins sought the application of statutory credits to his minimum terms of imprisonment. He claimed he had previously filed a similar petition and was granted relief, but the Nevada Department of Corrections failed to apply the credits as ordered. The district court denied the instant petition as moot, concluding Collins already received the requested relief.

All of the sentences for which Collins was seeking the application of credits to his minimum term of imprisonment were expired or he had already appeared before the parole board. The application of credits to an offender's minimum term only serves to make an offender eligible for parole earlier. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017). Therefore, no relief is warranted where the offender has already expired the sentence, *see Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (providing that "any question as to the method of computing" a

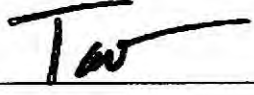
sentence is rendered moot when the sentence is expired), or appeared before the parole board on the sentence, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (recognizing no statutory authority or caselaw allowing for retroactive grant of parole). Because Collins had already had parole hearings or had expired his sentences, he was not entitled to relief. Thus, we conclude the district court did not err by denying this claim.

To the extent Collins sought to enforce a previous order of the district court, his claims were outside the scope of a postconviction petition for a writ of habeas corpus. *See* NRS 34.720; NRS 34.724(1). Thus, we conclude he was not entitled to relief on such a claim.

To the extent Collins raises claims on appeal that arose from his supplemental petition, those claims are not properly before this court. Collins did not seek permission to file a supplemental petition, *see* NRS 34.750(5) (“No further pleadings may be filed except as ordered by the court.”), and the district court did not consider the supplement when it denied the petition. Accordingly, we decline to consider these claims for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

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

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

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

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

cc: Hon. Erika D. Ballou, District Judge  
Sammy Earl Collins  
Attorney General/Carson City  
Eighth District Court Clerk