

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HAROLD EDWARDS,
Appellant,

vs.

JERRY HOWELL, WARDEN; THE
STATE OF NEVADA; AND OFFENDER
MANAGEMENT DIVISION,
Respondents.

No. 82861-COA

FILED

NOV 05 2021

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

ORDER OF AFFIRMANCE

Harold Edwards appeals from an order of the district court denying his postconviction petition for a writ of habeas corpus filed on September 17, 2019. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Edwards contended that he was entitled to the application of credits to his minimum term pursuant to NRS 209.4465. Edwards' controlling sentence was the result of a conviction of burglary for which Edwards was adjudicated a habitual criminal. Because his controlling sentence was for a category A felony, *see* NRS 207.010(1)(b), Edwards was not entitled to the application of statutory credits to its minimum term. *See* NRS 209.4465(8)(d); *Doolin v. State Dep't of Corr.*, 134 Nev. 809, 813, 440 P.3d 53, 56 (Ct. App. 2018). Therefore, we conclude the district court did not err by denying this claim.¹


¹To the extent that Edwards challenged his time computation with respect to his programming credit, the district court found that the Nevada Department of Corrections (NDOC) has applied all the programming credit to which Edwards is entitled toward his sentence. This finding is supported

Edwards also claimed NDOC violated his equal protection rights by denying him the opportunity to earn work time credits when he was willing and able to work.² Edwards does not have a constitutionally protected interest in work credits, even when he is able to work but no work is available, and Edwards is not entitled to credit for times when he has not performed any work. *See Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (Ct. App. 2018). Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Erika D. Ballou, District Judge
Harold Edwards
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

by the record before this court. Therefore, we conclude the district court did not err by denying this claim.

²To the extent Edwards challenged NDOC's policies regarding working, this claim challenged the conditions of confinement and, therefore, was not cognizable in a postconviction petition for a writ of habeas corpus challenging the computation of time served. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).