

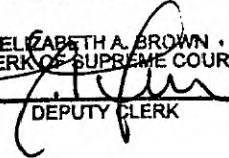
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AARON FRYE,
Appellant,
vs.
THE STATE OF NEVADA; AND
WILLIAM HUTCHINGS,
Respondents.

No. 85124-COA

FILED

DEC 15 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Aaron Frye appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Frye argues the district court erred by denying his March 10, 2022, petition. In his petition, Frye contended that the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his maximum term and his minimum parole eligibility date.


NRS 213.1212(2) allows credits to be earned “only to the extent that the credits would otherwise be earned had the sentences not been aggregated.” Pursuant to NRS 213.1213(1), Frye’s parole eligibility date is based on the concurrent sentencing term that requires the longest period before he is eligible for parole. Frye’s parole eligibility date is controlled by his sentences for burglary while in possession of a deadly weapon and robbery with the use of a deadly weapon because each of those sentences carries the longest minimum term of the sentences Frye must serve: 48 months. Frye was not entitled to application of credits toward his minimum parole eligibility date because his controlling sentences were for category B

felonies committed after the effective date of NRS 209.4465(8). Therefore, Frye was not entitled to relief.

The district court also found that Frye's credits had been properly applied toward his maximum term. The district court's finding is supported by the record. Given these circumstances, we conclude the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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