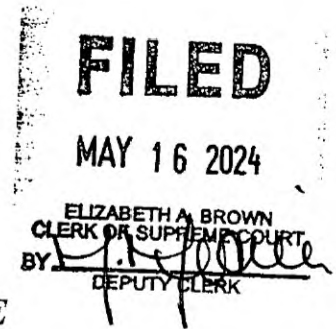


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PHILIP J. TAFT,
Appellant,
vs.
TIM GARRETT, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 87390-COA



ORDER OF AFFIRMANCE

Philip J. Taft appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his petition, filed on April 27, 2023, Taft claimed respondents are erroneously refusing to apply his statutory credits to shorten the time between his hearings before the Nevada Board of Parole Commissioners (Parole Board). The Parole Board considered his request for parole on May 18, 2022, denied his request, and scheduled his next parole hearing for August 1, 2024. Taft argued that the new parole hearing constituted a new parole eligibility date, he is entitled to the application of credits to that date pursuant to NRS 209.4465(7)(b), and accordingly, his next parole hearing should occur at an earlier date. Taft is mistaken.


The setting of a new parole hearing does not create a new parole eligibility date. NRS 209.4465(7)(b) provides for the application of statutory credits to an offender's eligibility for parole under certain circumstances. In so providing, the statute requires only that the credits are "deducted from a prisoner's minimum sentence." *Williams v. State Dep't of Corr.*, 133 Nev.

594, 597, 402 P.3d 1260, 1262 (2017). Taft has not disputed that the credits were deducted from his minimum sentence. And nothing in NRS 209.4465 suggests that the credits should be applied to the interval between parole hearings.

That NRS 209.4465 does not apply to shorten the interval between parole hearings is further supported by NRS 213.142. Under that statute, if parole is denied, the Parole Board must set a new parole hearing. NRS 213.142(1). And while the statute sets maximum intervals between parole hearings, it otherwise leaves the date of the new parole hearing to the sole discretion of the Parole Board.¹ *Id.* Accordingly, we conclude Taft's claims lacked merit, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jim C. Shirley, District Judge
Attorney General/Carson City
Attorney General/Las Vegas
Pershing County District Attorney
Clerk of the Court/Court Administrator

¹Taft does not contend the interval between his parole hearings exceeds the relevant statutory maximum.