

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARWIN KINSEY BEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88254-COA

FILED

JAN 27 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Darwin Kinsey Bey appeals from a district court order denying a petition for a writ of mandamus/prohibition filed on November 20, 2023.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.


Bey argues the district court erred by denying his petition without first conducting an evidentiary hearing. In his petition, Bey contended the method for determining the credit that should be applied toward an offender's sentence had been revised by Senate Bill (S.B.) 413 and that those revisions should apply to him.² The district court concluded Bey was challenging his computation for time served and denied the petition because Bey had a plain, speedy, and adequate remedy in the ordinary course of law through a postconviction habeas petition and because S.B. 413 does not become effective for calculation purposes until July 1,

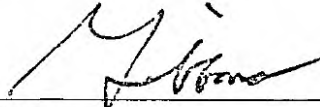
¹Bey alternatively sought a writ of prohibition but does not provide cogent argument regarding that relief. Therefore, we need not consider it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Further, Bey indicated in his notice of appeal that he was appealing the denial of his motion for transport. We conclude the district court did not err by denying this motion.


²S.B. 413 was passed by the Nevada Legislature in 2023.

2025. Consistent with our opinion in *Smith v. State*, 140 Nev., Adv. Op. 81, ___ P.3d ___ (Ct. App. 2024), we conclude the district court did not err by denying Bey’s petition without first conducting an evidentiary hearing, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Darwin Kinsey Bey
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk