

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIANO I. ARGUELLES,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 72597

FILED

SEP 13 2017

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

ORDER OF AFFIRMANCE

Mariano I. Arguelles appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on July 12, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Arguelles claimed the Nevada Department of Corrections was not applying the statutory credits he had earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court determined Arguelles was not entitled to have statutory credits applied to his minimum sentence because he was serving a sentence for a category A felony.

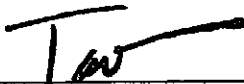
Arguelles claims the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Arguelles was not entitled to have credits deducted from his minimum sentence because he committed his crime after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

category A felons like Arguelles from receiving credit toward their minimum sentence. See NRS 453.3385(1)(c); 2007 Nev. Stat., ch. 525, § 5, at 3177; *Robert E. v. Justice Court of Reno Twp., Washoe Cty.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (“When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Mariano I. Arguelles
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²To the extent Arguelles also raises an equal protection claim, we decline to address this claim because it was not raised in his habeas petition or considered by the district court in the first instance. See *Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2003).