

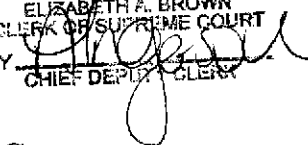
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN JOSE PEREZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 72686

FILED

FEB 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER VACATING AND REMANDING

Juan Jose Perez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on July 21, 2016. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


Perez argues the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided by NRS 209.4465(7)(b) (1997). In rejecting Perez' claim, the district court did not have the benefit of the Nevada Supreme Court's recent decision in *Williams v. State*, 133 Nev. ___, 402 P.3d 1260 (2017).¹ There, the court held that credits apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not expressly mention parole eligibility.


Perez is serving, pursuant to statutes as identified above, an aggregate sentence that includes sentences for robbery with the use of a

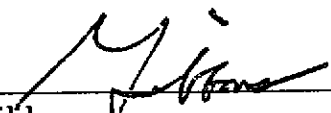
¹Having considered Perez' pro se briefs and given the decision in *Williams*, we conclude that a response is not necessary. See NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se briefs and the record. See NRAP 34(f)(3).

deadly weapon committed on or between July 17, 1997, and June 30, 2007. See NRS 193.165 (1995); NRS 200.380(2). Consistent with *Williams*, the credits Perez has earned pursuant to NRS 209.4465 should be applied to his parole eligibility for the sentence he is serving. See generally NRS 213.1212 (addressing parole eligibility where the sentences have been aggregated). The district court erred by ruling to the contrary.² Accordingly, we

ORDER the judgment of the district court VACATED AND REMAND this matter for the district court to reconsider its decision in light of *Williams*.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²The district court cannot grant Perez any relief as to the sentences he has already discharged. *Williams*, 133 Nev. at ___ n.7, 402 P.3d at 1264 n.7. Similarly, the court cannot grant any relief on the sentence Perez is currently serving if he has already appeared before the Nevada Board of Parole Commissioners on the sentence. *Id.* It is unclear from the record whether Perez has appeared before the parole board on his current sentence. The court may consider any evidence in that respect on remand.

cc: Hon. Linda Marie Bell, District Judge
Juan Jose Perez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk