

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDYN WILLIAM GAYLER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 73768

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

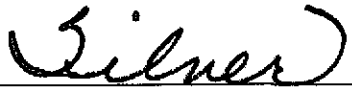
Brandyn William Gayler appeals from an order of the district court denying the postconviction petition for a writ of habeas corpus he filed on October 12, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his petition, Gayler claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Gayler is serving a prison term for attempted sexual assault, a category B felony, *see* NRS 193.330(1)(a)(1); NRS 200.366(2), and he committed his crime in 2010. For those reasons, the district court found the NDOC may only apply Gayler's statutory credits toward his maximum term pursuant


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

to NRS 209.4465(8)(d).² Given these circumstances, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Brandyn William Gayler
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²We conclude Gayler failed to demonstrate NRS 209.4465(7)(b) and NRS 209.4465(8) are ambiguous. *See State v Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) (a statute is ambiguous if the language “lends itself to two or more reasonable interpretations”).