

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DONNIE R. STEWART,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 73585

**FILED**

MAR 14 2018

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

*ORDER OF AFFIRMANCE*

Donnie R. Stewart appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on October 3, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his petition, Stewart claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court found Stewart was not entitled to have credits deducted from his minimum sentence because he committed his crimes after NRS 209.4465 was amended in 2007, all of his crimes were category B felonies; and NRS 209.4465(8)(d) excludes category B felons from receiving credit toward their minimum sentence.<sup>2</sup> The district court's findings are supported by the

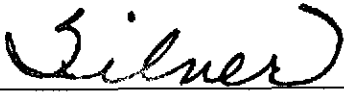
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

<sup>2</sup>Stewart was convicted of two counts of robbery with the use of a deadly weapon and one count of ownership or possession of a firearm by a prohibited person for crimes he committed in 2014. See NRS 193.165(1); NRS 200.380(2); NRS 202.360(1).

record, and we conclude it did not err in denying Stewart's postconviction habeas petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, District Judge  
Donnie R. Stewart  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk

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<sup>3</sup>To the extent Stewart claims the Nevada Department of Corrections failed to award him work credits, Stewart did not raise this claim in his petition below, and we decline to consider it for the first time on appeal. See *Hill v. State*, 114 Nev. 169, 178, 953 P.2d 1077, 1084 (1998).