

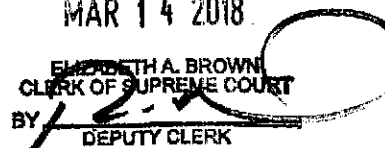
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN SAMUEL BRAUNSTEIN,
Appellant,
vs.
D. W. NEVEN, WARDEN; BRIAN
WILLIAMS, WARDEN HDSP; AND
NEVADA STATE PAROLE AND
PROBATION,
Respondents.

No. 72516

FILED

MAR 14 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Samuel Braunstein appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Braunstein argues the district court erred in denying his July 28, 2016, petition. First, Braunstein claimed the Nevada Department of Corrections erroneously failed to apply his statutory credits toward his minimum terms. The district court concluded Braunstein was not entitled to relief because he was sentenced pursuant to a statute that specified a minimum sentence that must be served before a defendant becomes eligible for parole.² See NRS 200.366 (1997). Because the statute specified a minimum sentence that must be served before Braunstein becomes eligible

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

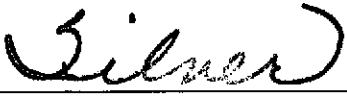
²Braunstein was convicted of two counts of sexual assault of a minor under 14 years of age and sentenced to serve concurrent terms of life in prison with a minimum parole eligibility of 20 years.

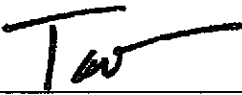
for parole, the NDOC may not apply statutory credits to reduce Braunstein's minimum term. *See Williams v. State*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). After a review of the record, we conclude the district court did not err in this regard.

Second, Braunstein appeared to claim the Nevada Department of Corrections failed to properly apply presentence credits toward his sentence. Braunstein did not provide support for this claim, and therefore, he is not entitled to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 255 (1984).

Next, Braunstein also appears to challenge the denial of a motion for a new trial filed in his criminal case in 2000. Braunstein did not raise this issue before the district court and we decline to consider it in the first instance.³ *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Having concluded Braunstein is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

³Further, Braunstein may not challenge both his judgment of conviction and the computation of time served in the same petition. *See* NRS 34.738(3).

cc: Hon. Linda Marie Bell, District Judge
Steven Samuel Braunstein
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk