

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSHUA JUSTIN PAULO,
Appellant,
vs.
JAMES DZURENDA, DIRECTOR; HIGH
DESERT STATE PRISON; OFFENDER
MANAGEMENT DIVISION; AND THE
STATE OF NEVADA,
Respondents.

JOSHUA JUSTIN PAULO,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; AND JAMES
DZURENDA, DIRECTOR,
Respondents.

No. 73634 ✓

FILED

MAR 14 2018

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

No. 73635

ORDER OF AFFIRMANCE

Joshua Justin Paulo appeals from a district court order denying the postconviction petitions for writs of habeas corpus he filed on August 25, 2016, and March 16, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. We elect to consolidate these appeals for disposition. *See* NRAP 3(b)(2).

In his petitions, Paulo claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentences as required by NRS 209.4465(7)(b). The district court determined Paulo was not entitled to good time deductions from his parole


¹These appeals have been submitted for decision without oral argument. NRAP 34(f)(3).

eligibility date because he was serving sentences for category B felonies he committed in 2013.

Paulo appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Paulo was not entitled to relief because he committed his crimes after NRS 209.4465 was amended in 2007, his controlling sentences are for robbery with the use of a deadly weapon and attempted murder—both category B felonies, see NRS 193.330(1)(a)(1); NRS 200.030(4), (5); NRS 200.380(2), and NRS 209.4465(8)(d) does not allow offenders convicted of category B felonies to receive credit toward their minimum sentences. See 2007 Nev. Stat., ch. 525, § 5, at 3177; NRS 213.1213(1); see generally *Robert E. v. Justice Court of Reno Twp.*, 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.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Joshua Justin Paulo
Attorney General/Carson City
Eighth District Court Clerk