

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERRIK BERISTAIN,
Appellant,
vs.
ISIDRO BACA, WARDEN NNCC,
Respondent.

No. 73601

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

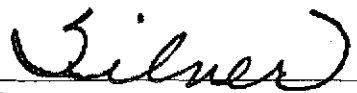
Derrick Beristain appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


In his December 16, 2016, petition, Beristain claimed the Nevada Department of Corrections improperly declined to apply statutory credits to his minimum terms pursuant to NRS 209.4465(7)(b). Beristain's claim lacks merit. NRS 209.4465(7)(b) begins, "Except as otherwise provided in subsection[] 8" and NRS 209.4465(8) specifically excludes offenders convicted of category B felonies from applying credits to their minimum sentences. Beristain is serving terms for category B felonies, see NRS 193.330(1)(a)(1); NRS 201.230(2), for offenses committed after NRS 209.4465(8)'s effective date. Accordingly, Beristain is not entitled to the

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

application of credits to his minimum terms. Therefore, the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


Silver C.J.


Tao J.


Gibbons J.

cc: Hon. James Todd Russell, District Judge
Derrik Beristain
Attorney General/Carson City
Carson City Clerk