

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ANTHONY CANCHOLA,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondent.

No. 75824-COA

**FILED**

DEC 19 2018

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

*ORDER OF AFFIRMANCE*

Michael Anthony Canchola appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on November 29, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Canchola 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 Canchola was not entitled to have good time credits applied to his parole eligibility date because he was serving sentences for category B felonies he committed after 2007.

On appeal, Canchola 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 Canchola was not entitled to have credits applied to his minimum sentence because he committed his

---

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

crimes after NRS 209.4465 was amended in 2007 and the 2007 amendments specifically exclude category B felons from receiving credit toward their minimum sentence.<sup>2</sup> See 2007 Nev. Stat., ch. 525, § 5, at 3177; NRS 209.4465(8)(d); 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.<sup>3</sup>



Silver

C.J.



Tao

J.



Gibbons

J.

---

<sup>2</sup>Canchola was convicted of attempted murder with the use of a deadly weapon and assault with a deadly weapon for crimes he committed on June 21, 2016. See NRS 193.330(1)(a)(1); NRS 200.030(4), (5); NRS 200.471(2)(b).

<sup>3</sup>To the extent Canchola claimed he was entitled to relief based on the Nevada Supreme Court’s decision in *Williams v. State Department of Corrections*, his claim lacks merit because the Nevada Supreme Court expressly limited its decision to crimes that were committed before June 30, 2007. See 133 Nev. \_\_\_, \_\_\_ n.7, 402 P.3d 1260, 1265 n.7 (2017).

cc: Hon. Linda Marie Bell, Chief Judge  
Michael Anthony Canchola  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk