

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY DENT, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75659-COA

FILED

DEC 19 2018

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

ORDER OF AFFIRMANCE

Anthony Dent, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 1, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Dent claimed the Nevada Department of Corrections was not applying the statutory credits to his minimum sentence as required by NRS 209.4465 and was depriving similarly-situated inmates of their statutory rights. The district court determined Dent 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.

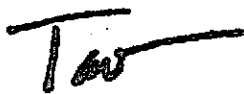
On appeal, Dent appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Dent is not entitled to have credits applied to his minimum sentence because he was convicted of


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

category B felonies.² See NRS 209.4465(8)(d). And NRS 209.4465(9) does not apply to Dent because he is not entitled to credits under NRS 209.4465(8). 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 can not go beyond the statute in determining legislative intent.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

²Dent was convicted of conspiracy to commit robbery, burglary while in possession of a deadly weapon, and robbery with the use of a deadly weapon for crimes he committed between December 12, 2015, and January 16, 2016. See NRS 193.165(1); NRS 199.480(1); NRS 200.380(2); NRS 205.060(2), (4).

³To the extent Dent claims the application of NRS 209.4465(8) violated the Ex Post Facto Clause, we decline to consider his claim because it was not raised in his habeas petition or considered by the district court in the first instance. See *Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2003).

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