

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALQUANDRE H. TURNER,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 76018-COA

FILED

FEB 15 2019

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

ORDER OF AFFIRMANCE

Alquandre H. Turner appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on February 14, 2018.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

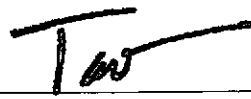
Turner argues the district court erred by denying his claim the Nevada Department of Corrections has improperly declined to apply credits toward his minimum term for the deadly weapon enhancement for his robbery conviction. Based on the record on appeal, Turner fails to demonstrate he is entitled to relief because he expired the sentences from his robbery with the use of a deadly weapon conviction in 2011. The only relief available in this situation would be a parole hearing, and that is not possible because Turner has already expired his sentence. *See Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (no statutory authority

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

or case law permits a retroactive grant of parole). Accordingly, we conclude the district court did not err by denying Turner's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jim C. Shirley, District Judge
Alquandre H. Turner
Attorney General/Carson City
Pershing County Clerk