

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRANDON LEE KINCADE,
Appellant,
vs.
PERRY RUSSELL, WARDEN WSCC,
Respondent.

No. 75968

FILED

FEB 20 2019

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying Brandon Lee Kincade's postconviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


Relying on NRS 209.4465(7)(b) and *Williams v. Nevada Department of Corrections*, 133 Nev., Adv. Op. 75, 402 P.3d 1260 (2017), Kincade asserted that the credits he earns under NRS 209.4465 must be applied to the minimum term of his sentence, thus advancing the date that he is eligible for parole. The district court disagreed, concluding that Kincade had been convicted of a category B felony (burglary in violation of NRS 205.060) that was committed after the effective date of the 2007 amendments to NRS 209.4465 and therefore NRS 209.4465(8)(d) precludes respondent from applying Kincade's statutory credits to the minimum term of his sentence. Having reviewed the record, we find no error in the district court's decision. *See Williams*, 133 Nev., Adv. Op. 75, 402 P.3d at 1264 n.6


¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); *see also* NRAP 31(d)(1); *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

(noting NRS 209.4465(8)'s limitation on NRS 209.4465(7)(b) for certain offenses committed after the effective date of the 2007 amendments). We therefore

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. James E. Wilson, District Judge
Brandon Lee Kincade
Attorney General/Carson City
Carson City Clerk