

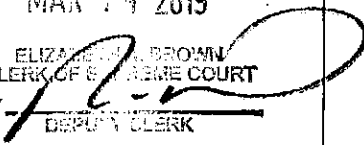
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICKY JASON VAZQUEZ,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 76413-COA

FILED

MAR 14 2019

ELIZABETH BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Ricky Jason Vazquez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 16, 2018.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Vazquez claims the district court erred by denying his claim the Nevada Department of Corrections (NDOC) is improperly declining to apply statutory credits toward his minimum term for the deadly weapon enhancement portion of his sentence. The district court found NDOC properly declined to apply Vazquez' credits toward his minimum term because Vazquez was convicted of a crime that required a minimum term be served prior to parole eligibility.² And, because the deadly weapon enhancement at the time Vazquez committed his crime required an equal and consecutive term of imprisonment, the deadly weapon enhancement

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


²Vazquez was convicted of second-degree murder with the use of a deadly weapon.

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portion of his sentence also required a minimum term to be served prior to parole eligibility.

The district court's findings are supported by substantial evidence, *see* 1995 Nev. Stat., ch. 455, § 1, at 1431; NRS 200.030(5)(a); NRS 209.4465(7)(b), and we conclude the district court did not err by denying Vazquez' petition.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

³To the extent Vazquez argues the district court failed to consider his sentence in another case to be served consecutively to the instant case, Vazquez did not raise that claim in his petition, the district court did not err by not sua sponte considering it, *see* NRS 34.735 (a petitioner must include all grounds or claims for relief in their petition), and we decline to consider it for the first time on appeal, *see* *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

⁴Vazquez also claims the district court failed to consider his reply to the State's response to his petition when issuing its order. This claim is belied by the record because the district court order specifically states the court reviewed "all pleadings, documents and exhibits on file in the above-entitled matter."

cc: Hon. Jim C. Shirley, District Judge
Ricky Jason Vazquez
Attorney General/Carson City
Pershing County Clerk