

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL ADAM FRIMMEL,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; AND RENEE BAKER,
WARDEN,
Respondents.

No. 77056-COA

FILED

APR 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Adam Frimmel appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 21, 2017.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


Frimmel claimed the Nevada Department of Corrections was not applying the statutory credits that he earned to his minimum sentence as required by NRS 209.4465(7)(b). The district court found Frimmel was not entitled to relief because he was sentenced under a statute that specifies a minimum sentence an offender must serve before becoming eligible for parole. We conclude the district court did not err.


In *Williams v. State Department of Corrections*, the Nevada Supreme Court held that credits earned under NRS 209.4465 apply to parole eligibility as provided in NRS 209.4465(7)(b) (1997) “if the sentencing statute did not specify a minimum sentence that had to be served before parole eligibility.” 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017). Frimmel


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

was sentenced under a statute that specified the minimum term that must be served before parole eligibility. See NRS 207.010(1)(b)(2) (setting forth the sentence of "life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served"). Consequently, the credits Frimmel earns under NRS 209.4465 cannot be applied to his parole eligibility.

Having concluded Frimmel is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Michael Adam Frimmel
Attorney General/Carson City
Pershing County Clerk