

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERNANDO THOMAS PIPER,
Appellant,
vs.
PERRY RUSSELL, WARDEN,
Respondent.

No. 76070-COA

FILED

APR 16 2019

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

ORDER OF AFFIRMANCE

Fernando Thomas Piper appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on February 9, 2018.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

Piper claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). However, the record demonstrates he was convicted of category B felonies for crimes he committed after NRS 209.4465 was amended in 2007,² and therefore he is not entitled to have statutory

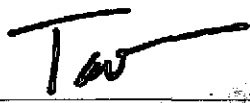
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²Piper was convicted of grand larceny, burglary, and felon in possession of a firearm, and he has acknowledged in his petition that he

credits applied to his parole eligibility dates. See NRS 209.4465(8)(d).
Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Fernando Thomas Piper
Attorney General/Carson City
Carson City Clerk

committed these crimes in 2013 and 2015. See NRS 202.360(1); NRS 205.060(2); NRS 205.222(3).

³Although the successive procedural bar in NRS 34.810(2) does not apply under the facts of this case, we conclude the district court reached the right result by denying the petition. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).