

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANK ROBERT LYLES,
Appellant,
vs.
JO GENTRY, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 77196-COA

FILED

MAY 15 2019

DALE R. BROWN
CLERK OF THE COURT
[Signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

Frank Robert Lyles appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 7, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Lyles claimed the Nevada Department of Corrections was not applying the statutory credits he earned to the minimum and maximum terms of his sentences as required by NRS 209.4465(7).


The district court found that Lyles had been convicted of one count of murder with the use of a deadly weapon and one count of attempted murder with the use of a deadly weapon for crimes he committed in 2003. As to the minimum terms, Lyles had appeared before the Nevada Board of Parole Commissioners, he had been granted parole on his murder count, and his parole was to start at a later date. Therefore, his claim regarding the murder count was moot, and, because he had not yet started to serve his sentences for the attempted-murder count, his claim regarding the


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

attempt-murder count was not ripe for review. As to the maximum terms, the district court found that all of the statutory credits Lyles had earned had been properly applied to the maximum term of his sentence.

The district court's factual findings are supported by the record on appeal, and we conclude the district court did not err by denying Lyles' habeas petition. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017); *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 38 n.1, 175 P.3d 906, 907 n.1 (2008); *Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Frank Robert Lyles
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk