

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEMUELU PATA SAUNI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76470-COA

FILED

MAY 21 2019

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

ORDER OF AFFIRMANCE

Lemuelu Pata Sauni appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 14, 2018.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

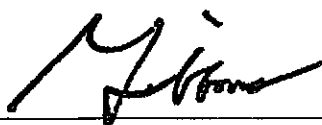
In his petition, Sauni claimed the Nevada Department of Corrections (NDOC) erred by not aggregating his sentences after being requested to do so. In 2016, Sauni was convicted in case number CR16-1358 of unlawful sale of a controlled substance, and was sentenced to serve 19 to 48 months in prison. Thereafter, in 2018, Sauni was convicted in case number 18CR00019 of trafficking in a schedule I controlled substance, and sentenced to serve 24 to 60 months to be served consecutively to case number CR16-1358. Sometime after being convicted in 18CR00019, Sauni claims he applied to have his sentences aggregated and that request was denied.


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).


The district court concluded NDOC did not err by failing to aggregate Sauni's sentences. Three days after Sauni was convicted in 18CR00019, he was paroled from his sentence in CR16-1358. Because Sauni had been considered for parole in his first case, the district court concluded, pursuant to NRS 213.1212(3), Sauni could not aggregate his sentences. The record supports the decision of the district court, and we conclude the district court did not err by denying this claim.

Sauni also claimed NDOC improperly declined to apply his statutory credits to his minimum term in 18CR00019. The district court found Sauni was not entitled to the application of credits to his minimum term because he was convicted of a category B felony, *see* NRS 453.3385(1)(a), committed in 2017. *See* NRS 209.4465(8)(d). The record supports the decision of the district court, and we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Lemuelu Pata Sauni
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk