

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDWARD WARDELL BERRY,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND BRIAN E. WILLIAMS, SR.,
WARDEN,
Respondents.

No. 71829

FILED

OCT 11 2017

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

ORDER OF AFFIRMANCE

Edward Wardell Berry appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In his July 21, 2016, petition, Berry claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits toward his minimum term. The district court concluded Berry was not entitled to relief because Berry is serving a prison term for a category B felony he committed in 2015, and for those reasons, the NDOC may only apply credits toward Berry's maximum term pursuant to NRS

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).

209.4465(8)(d).² Given these circumstances, we conclude the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Edward Wardell Berry
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

²The record demonstrates Berry was convicted of child abuse, neglect, or endangerment, a category B felony. See NRS 200.508(1)(b)(1).