

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID MARTINEZ,  
Appellant,  
vs.  
OFFENDER MANAGEMENT  
DIVISION,  
Respondent.

No. 71977

FILED

OCT 11 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

David Martinez appeals from a district court order denying the postconviction petition for a writ of habeas corpus he filed on August 25, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Martinez claimed the Nevada Department of Corrections was not properly deducting his statutory good time credits from his sentence as required by NRS 209.4465, and it had deprived him of work time credits despite the fact he was willing to work or participate in educational programs.

The district court made the following findings. Martinez was not entitled to have credits deducted from his minimum sentence because he committed his crimes after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons like Martinez from receiving credit toward their minimum sentence under NRS 209.4465. Martinez does

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<sup>1</sup>This 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).


not have a constitutionally protected liberty interest in earning work credits, he is not entitled to work credits for work he did not perform, and he has not demonstrated he is entitled to any additional work credits.

We conclude the district court's findings are supported by the record, the district court did not misconstrue the relevant statutory provisions, and the district court did not err by denying Martinez' petition. See NRS 209.4465(2), (7), & (8); 2007 Nev. Stat., ch. 525, § 5, at 3177; *Cooper v. Sumner*, 672 F. Supp. 1362, 1367 (D. Nev. 1987); *Robert E. v. Justice Court of Reno Twp., Washoe Cty.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) ("When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court cannot go beyond the statute in determining legislative intent."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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