

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN A. SANGSTER,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
BRIAN SANDOVAL, GOVERNOR;
ADAM P. LAXALT, ATTORNEY
GENERAL; JAMES DZURENDA,
DIRECTOR N.D.O.C.; AND BRIAN E.
WILLIAMS, SR., WARDEN,
Respondents.

No. 71653

FILED

OCT 11 2017

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

ORDER OF AFFIRMANCE

Brian A. Sangster 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 June 8, 2016, petition, Sangster claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits toward his minimum terms. The district court denied the petition as moot because the record demonstrated Sangster had been paroled. Because parole is an act of grace of the State, the district court properly concluded Sangster's parole rendered the challenge to the calculation of his sentence moot because the only remedy available would be to order the parole board to conduct a hearing. *See* NRS 213.10705; *see also* *Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (holding that no

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).

statutory authority or case law permits a retroactive grant of parole).
Therefore, we conclude the district court did not err in denying the petition
and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

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