

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRENCE HARRISON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 77821-COA

FILED

SEP 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Terrence Harrison appeals from a district court order denying his petition for a writ of habeas corpus that was filed on February 5, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Harrison claims the district court erred by finding he is not entitled to have statutory credit applied to his minimum term pursuant to NRS 209.4465(8)(d) and denying his petition. Harrison argues that because he was not sentenced to a term that requires him to serve a mandatory minimum sentence before he is eligible for parole, he is entitled to have credit applied to his sentence pursuant to NRS 209.4465(7)(b). Harrison is mistaken.

The district court found Harrison was convicted of attempted murder, a category B felony, *see* NRS 193.330(1)(a)(1); NRS 200.030, for a crime committed in 2016. The district court further found Harrison was currently serving the sentence for that conviction. The district court concluded that because Harrison was convicted of a category B felony, NRS 209.4465(8)(d) prohibited the application of credit to Harrison's minimum term. The record supports the district court's findings and we conclude the

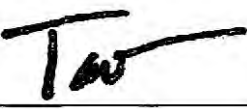
district court correctly determined NRS 209.4465(8)(d) prohibits application of statutory credit to Harrison's minimum term. Contrary to Harrison's assertion, he is not entitled to have statutory credit applied to his minimum term pursuant to NRS 209.4456(7)(b), because that subsection only applies if the application of statutory credit to the minimum term is not prohibited by NRS 209.4465(8). NRS 209.4465(7).

Harrison also claims his due process rights were violated because he was not transported to be present at the hearing on his petition. The record reveals that the district court resolved Harrison's petition based on the briefs filed by the parties and did not conduct a hearing on the petition. Accordingly, we conclude Harrison is not entitled to relief on this claim.

To the extent Harrison claims prohibiting application of credit to his minimum term violates the Equal Protection Clause, he did not raise this claim in his petition below, and we decline to address this claim in the first instance on appeal. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991) *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1013, 103 P.3d 25, 33 (2004).

Having concluded Harrison is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Terrence Harrison
Attorney General/Las Vegas
Eighth District Court Clerk