

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

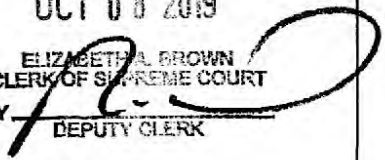
STEVEN DUANE BRIGGS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78239-COA

FILED

OCT 08 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Duane Briggs appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 2, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Briggs claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Briggs was convicted of three counts of involuntary manslaughter, a category D felony, *see* NRS 200.090, and one count of battery resulting in substantial bodily harm, a category C felony, *see* NRS 200.481(2)(b), for crimes he committed in 2015. Offenders are entitled to the application of credits to their minimum sentences unless they meet the exceptions indicated in NRS 209.4465(7)(b) and NRS 209.4465(8). *See* NRS 209.4465(7). The district court concluded Briggs was entitled to the application of credits to his minimum sentences for the involuntary manslaughter counts, and granted his petition as to those counts.

The district court further concluded Briggs was not entitled to relief for the battery count. NRS 209.4465(8)(a) precludes application of credits to a minimum sentence where the felony involved “the use or threatened use of force or violence against the victim.” And a battery—to

which Briggs pleaded guilty—is defined as “any willful and unlawful use of force or violence upon the person of another.” NRS 200.481(1)(a). Accordingly, statutory credits may not be applied to the minimum term of a sentence for battery. We therefore conclude the district court did not err by denying Briggs’ claim as to the battery charge.

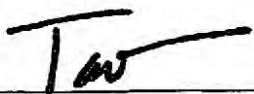
To the extent Briggs claimed he was being unfairly denied labor credits where he was ready and willing to work but no opportunities were available, such a claim would not have entitled Briggs to relief. *See Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91, *8, 433 P.3d 306, 310 (Ct. App. 2018).

In his informal brief on appeal, Briggs appears to challenge the validity of his conviction of the battery count, suggests there are equal-protection and due-process concerns at stake, questions whether the Legislature intended someone like him to be ineligible to apply credits to his minimum sentence, and challenges the transfer of his petition to the jurisdiction in which he is incarcerated. These claims were not raised below, and we decline to consider them on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). To the extent Briggs challenges the district court’s resolution without first ordering a response by the State, his claim is belied by the record: The district court ordered and considered the State’s response.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Steven Duane Briggs
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk