

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY LAMAR BAGLEY,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 78377-COA

FILED

OCT 08 2019

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

ORDER OF AFFIRMANCE

Anthony Lamar Bagley appeals from a district court order that denies a postconviction petition for a writ of habeas corpus filed on December 10, 2018. First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Bagley claimed the Nevada Department of Corrections was improperly declining to apply his statutory credits toward his minimum term. For a person who committed his or her crime(s) prior to the 2007 amendments to NRS 209.4465, statutory credits do not apply to the minimum term of the person's sentence if that person has been sentenced pursuant to a statute that specifies a minimum term that must be served before being eligible for parole. NRS 209.4465(7)(b); *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 596, 402 P.3d 1260, 1262 (2017). Similarly, statutory credit does not apply to the sentence for the deadly weapon enhancement for such a term where the deadly weapon enhancement statute relied upon the statute for the primary offense to set the sentence for the deadly weapon enhancement. *Perez v. Warden*, 135 Nev., Adv. Op. 24, * 4, 444 P.3d 1033, 1034 (2019).

The district court found Bagley is currently serving a sentence for the deadly weapon enhancement portion of his first-degree murder conviction and he committed his crime in 1998. The district court concluded Bagley is not entitled to have statutory credit applied to his minimum term based on the fact he was sentenced pursuant to a statute that required a minimum parole eligibility term and, at the time Bagley committed his crime, the deadly weapon enhancement statute required the imposition of a term equal to that for the primary offense. *See* 1995 Nev. Stat., ch. 455, § 1, at 1431 (former NRS 193.165(1)) (requiring the sentence for the deadly weapon enhancement to be equal and consecutive to the sentence for the primary offense); NRS 200.030(4)(b)(2) (providing that a person convicted of first-degree murder shall be punished for life “with eligibility for parole beginning when a minimum term of 20 years has been served”). Substantial evidence supports the findings of the district court, and we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Anthony Lamar Bagley
Attorney General/Carson City
Carson City Clerk