

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIMMY ROBINSON,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 78095-COA

FILED

DEC 12 2019

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

ORDER OF AFFIRMANCE

Jimmy Robinson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 6, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Robinson claimed the Nevada Department of Corrections was improperly declining to apply his statutory credits toward his minimum term. A person convicted of a category A or B felony or of a felony that involves the use or threat of violence for an offense committed after June 30, 2007, is not entitled to have credits applied to his or her minimum term for that offense. NRS 209.4465(8)(a), (d). The district court found Robinson had been convicted of voluntary manslaughter with the use of a deadly weapon and discharging a firearm from or within a structure, both category B felonies. See NRS 193.165(3); NRS 200.080; NRS 202.287(1)(b). Further, the district court found Robinson committed these crimes in 2015. Therefore, the district court concluded Robinson was not entitled to have his statutory credits applied to his minimum term. Substantial evidence supports the decision of the district court, and we conclude the district court did not err by denying this claim.

To the extent Robinson claimed he was entitled to a 58% reduction of his minimum sentence based on NRS 209.4465(9), the district court correctly concluded that NRS 209.4465(9) does not mandate a reduction of 58%. Instead, NRS 209.4465(9) states that application of statutory credits may not reduce an offender's minimum sentence by more than 58%. Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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