

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DARRELL CONNERS,
Appellant,
vs.
JO GENTRY, WARDEN,
Respondent.

No. 78160-COA

DARRELL CONNERS,
Appellant,
vs.
JO GENTRY, WARDEN,
Respondent.

No. 78227-COA ✓

FILED

DEC 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Darrell Connors appeals from orders of the district court denying postconviction petitions for a writ of habeas corpus challenging the computation of time served. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In district court case no. C278463, Connors was convicted, pursuant to a guilty plea, of robbery with the use of a deadly weapon for crimes committed in June 2011. He was sentenced to two consecutive terms of five to ten years in prison, which were ordered to be served concurrent to sentences imposed in district court case no. C273428 and in a federal case. Connors filed two petitions challenging the computation of time served in district court case no. C278463. The district court denied the petitions. These appeals follow.

In his petition in district court case no. A-18-769844-W (Docket No. 78227), filed on February 21, 2018, Connors first claimed he was

entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). Conners' claim lacked merit. NRS 209.4465(7) begins, "[e]xcept as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) specifically excludes the application of statutory credits to the minimum terms of sentences for category B felonies. Conners was convicted of a category B felony committed after NRS 209.4465(8)'s effective date. *See* NRS 193.165(3); NRS 200.380(2); 2007 Nev. Stat., ch. 525, § 22, at 3196. Accordingly, Conners is not entitled to the application of credits to his minimum sentence. We therefore conclude the district court did not err by denying this claim.

Conners next claimed that whether or not credits applied to minimum terms based on when a crime was committed vis-à-vis the effective date of NRS 209.4465(8)(d) violates the Equal Protection Clause. This court has addressed a similar claim and found it to lack merit. *See Vickers v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-10 (Ct. App. 2018). We therefore conclude the district court did not err by denying this claim.


In his petition in district court case no. A-18-776235-W (Docket No. 78160), filed on June 19, 2018, Conners claimed the Nevada Department of Corrections (NDOC) was failing to apply his credits in such a way as to make his sentences concurrent to his federal sentence. A petition must raise claims supported by specific factual allegations that, if true and not belied by the record, would entitle the petitioner to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Conners

did not specify in what way NDOC was misapplying any credits. We therefore conclude the district court did not err by denying this claim.¹

Having concluded Conners failed to demonstrate he was entitled to any relief, we

ORDER the judgments of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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

¹The record before this court indicates the district court consolidated district court case no. A-18-776235-W with district court case no. C273428. It is unclear why the district court did so when the petition clearly challenged only the computation of time imposed in C278463.