

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KESHONE OWENS,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS; AND BRIAN
WILLIAMS, WARDEN,
Respondents.

No. 78805-COA

FILED

JAN 14 2020

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

ORDER OF AFFIRMANCE

Keshone Owens appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 27, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition below, Owens claimed the Nevada Department of Corrections (NDOC) was failing to apply his statutory credits to his minimum sentences. The State acknowledged Owens was entitled to the application of credits to his minimum sentences pursuant to *Williams v. State Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017), and represented that NDOC had corrected Owens' sentence calculations. The district court denied Owens' petition as moot.

Owens contends the district court erred by denying his petition as moot. He claims NDOC has not properly credited him with all of the credits he has earned. This is a new argument that was not raised below, and it requires findings of fact. We therefore decline to consider it on appeal

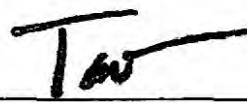
in the first instance. *See McNelton v. State*, 115 Nev. 396, 415-16, 990 P.2d 1263, 1275-76 (1999).¹

To the extent Owens contends he was entitled to the application of credits to any sentences he has already expired, he was not entitled to relief. Because the application of credits to a minimum sentence “only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already expired the sentence.” *Williams*, 133 Nev. at 600 n.7, 402 P.3d at 1265 n.7. We therefore conclude the district court did not err by denying this claim as moot.

To the extent Owens contends he is entitled to the application of credits to sentences he has not yet begun to serve, he was not entitled to relief. Claims regarding the computation of sentences yet to be served are generally not yet ripe for review. *See Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 38 n.1, 175 P.3d 906, 907 n.1 (2008) (holding a case is not ripe for review when the harm alleged is remote or hypothetical). We therefore 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

¹Owens may challenge NDOC’s recalculation in a new petition filed in the district court in the first instance.

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