

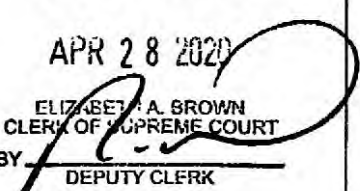
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEXTER OWENS,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 79193-COA

FILED

APR 28 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Dexter Owens appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on May 8, 2019. First Judicial District Court, Carson City; James E. Wilson, Judge.


In his petition, Owens argued he is entitled to court ordered parole on his current sentence because he has served the total minimum amount of time required by his judgment of conviction. The district court found that Owens was convicted of second-degree murder with the use of a deadly weapon in 2001 for a crime committed in 1999. The district court further found that Owens was sentenced to a term of life in prison with the possibility of parole after a minimum term of 10 years has been served for the primary offense and an equal and consecutive term for the deadly weapon enhancement. *See* 1995 Nev. Stat., ch. 455, § 1, at 1431 (former NRS 193.165(1)); NRS 200.030(5)(a). Finally, the district court found that Owens was paroled from his underlying sentence to his consecutive sentence in 2016 and Owens now has a projected parole eligibility date of March 9, 2026.

The district court concluded nothing guarantees that an inmate will be granted parole upon completion of the minimum term of

imprisonment and Owens does not have a fundamental right to parole. See NRS 213.10705 (providing that release on parole is an act of grace); NRS 213.120(2) (providing an inmate may be paroled after serving the minimum term of imprisonment); *Anselmo v. Bisbee*, 133 Nev. 317, 319-20, 396 P.3d 848, 850 (2017) (“[A]n inmate does not have any protectable due process or liberty interest in release on parole, unless that right is created by state statute.”). The district court further concluded Owens’ parole eligibility date has been properly calculated and, therefore, the district court denied Owens’ petition. The record supports the district court’s findings, and we conclude the district court did not err by denying Owens’ 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
Dexter Owens
Attorney General/Carson City
Carson City Clerk