

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANDRAY ANTHONY GORDON,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 79450-COA

FILED

MAY 15 2020

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

ORDER OF AFFIRMANCE


Andray Anthony Gordon appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his May 15, 2018, petition, Gordon claimed the Nevada Department of Corrections (NDOC) improperly declined to apply statutory credits toward his minimum parole eligibility date. The district court found Gordon had been convicted of attempted murder with the use of a firearm and was sentenced to consecutive terms of 72 to 240 months in prison. The district court found Gordon had already expired his term for the primary offense and his challenge to the computation of that term was therefore moot. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (“[N]o relief can be afforded where the offender has already expired the sentence or appeared before the parole board on the sentence.” (internal citation omitted)). In addition, the district court found NDOC had properly applied credits toward the minimum parole eligibility date for the sentence for Gordon’s deadly weapon enhancement, *see* NRS 209.4465(7)(b), and Gordon was not entitled to additional relief. The record

before this court supports the district court's findings 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. Jim C. Shirley, District Judge
Andray Anthony Gordon
Attorney General/Carson City
Pershing County Clerk