IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE FRANCISCO MARTIN, Appellant, vs. THE STATE OF NEVADA; AND WARDEN JERRY HOWELL, Respondents. No. 79946-COA

FILED

MAY 2 6 2020

CLERK AS SUPREME COURT
BY CHEST DEPUTY CLERK

ORDER OF AFFIRMANCE

Jose Francisco Martin appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on June 17, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Martin claims the district court erred by finding that he is not entitled to have statutory good-time credit applied to his minimum term. The district court found that Martin is actively serving a sentence of 50 years with the possibility of parole after 20 years has been served for his first-degree murder conviction. The district court concluded that because Martin's active sentence was imposed pursuant to a statute that requires him to serve a mandatory minimum term before being eligible for parole, see NRS 200.030(4)(b)(3), NRS 209.4465(7)(b) precludes the application of statutory good-time credit to the minimum term of his active sentence. The district court therefore denied Martin's petition. The record supports the

(O) 1947B

¹The record demonstrates that Martin was also convicted of two counts of second-degree kidnapping with the use of a deadly weapon, but he has not yet started serving the sentences for those convictions.

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.

Gibbons , C.J

Tao J.

Bulla, J.

cc: Hon. Tierra Danielle Jones, District Judge Jose Francisco Martin Attorney General/Carson City Attorney General/Las Vegas Eighth District Court Clerk