

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEPHEN BRIAN JONES,  
Appellant,

vs.

OFFENDER MANAGEMENT DIVISION  
STATE OF NEVADA; AND WARDEN  
WSCC,  
Respondents.

No. 80019-COA

**FILED**

AUG 24 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Stephen Brian Jones appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James E. Wilson, Judge.


In his August 13, 2019, petition, Jones claimed the Nevada Department of Corrections (NDOC) erroneously failed to award him statutory credits for earning a high school diploma. The district court concluded Jones's claim lacked merit. Administrative Regulation (AR) 803.01(1)(D) prohibits an inmate from earning credits for completing a secondary educational degree that is less than one the inmate has already obtained. The district court found Jones had already earned a bachelor's degree and, therefore, he was not entitled to additional credits for earning a high school diploma pursuant to AR 803.01(1)(D). *See* NRS 209.4465(6) (stating that the Board of State Prison Commissioners "shall adopt regulations governing the award, forfeiture and restoration of credits"). The record supports the district court's findings. Therefore, we conclude Jones is not entitled to relief.

To the extent that Jones also claimed that failure to apply credits to all inmates in a uniform manner 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, 751, 433 P.3d 306, 310 (Ct. App. 2018). Therefore, the district court properly found Jones was not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James E. Wilson, District Judge  
Stephen Brian Jones  
Attorney General/Carson City  
Carson City Clerk

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<sup>1</sup>In addition, Jones filed a motion requesting the appointment of postconviction counsel, but the district court denied the motion. The appointment of counsel in this matter was discretionary. *See* NRS 34.750(1). The district court found that the issues in this matter were not difficult, Jones was able to comprehend the proceedings, and discovery with the aid of counsel was not necessary. *See* NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 761 (2017). The record supports the decision of the district court, and we conclude the district court did not abuse its discretion by denying the motion for the appointment of counsel.