

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
TIM GARRETT, WARDEN LOVELOCK
CORRECTIONAL,
Respondent.

No. 87139-COA

FILED

APR 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

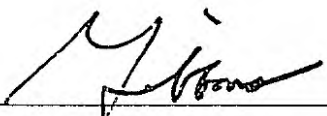
Dustin James Barral appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 21, 2023. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Barral argues the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) is not properly applying his meritorious credits to his expiration date. In his petition, Barral argued that NDOC improperly awarded him “credits” rather than “days” of credit. To support this, Barral provided charts and calculations, which he claims show that he is being credited with less than a whole day in credit for each day of credit he earns.

The district court found that Barral’s credit history report reflects the application of the correct number of days of flat time he has served and statutory good time credits he has earned. This finding is supported by the record on appeal. Moreover, we note that NRS 209.4465 uses “days” and “credits” interchangeably. *Compare* NRS 209.4465(1) (providing for “a deduction of 20 days from [a] sentence for each month the offender serves”), *with* NRS 209.4465(2) (referencing “the credits allowed

pursuant to subsection 1"). Accordingly, Barral failed to demonstrate that NDOC was not applying the appropriate number of credits, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jim C. Shirley, District Judge
Dustin James Barral
Attorney General/Carson City
Pershing County District Attorney
Clerk of the Court/Court Administrator