

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Appellant,
vs.
ROBERT LEGRAND, WARDEN,
Respondent.

No. 66159

FILED

FEB 19 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY M. [Signature]
DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we deny appellant's motion for the appointment of counsel as moot, and we

ORDER the petition DENIED.¹

[Signature], C.J.
Parraguirre

[Signature], J.
Hardesty

[Signature], J.
Douglas

[Signature], J.
Cherry

[Signature], J.
Saitta

[Signature], J.
Gibbons

[Signature], J.
Pickering

¹Contrary to respondent's assertions, the sentences that could be affected under the panel's reasoning are

- those for crimes committed on or between July 17, 1997, and June 30, 2007,
- where the inmate's sentence does not fall under the parole-limiting provisions of NRS 453.3405(1),
- where the sentence has not expired nor the inmate gone before the parole board for that sentence, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989),
- and then only for the time period when deductions have not already been applied retroactively pursuant to NRS 209.4465(8), *see* 2007 Nev. Stat., ch. 525, § 21, at 3196.

16-05434

cc: Hon. Richard Wagner, District Judge
Frederick Vonseydewitz
Attorney General/Carson City
Pershing County Clerk