

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 07 2016 08:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

JESSICA WILLIAMS,

Petitioner-Appellant,

v.

NEVADA DEPARTMENT OF
CORRECTIONS; AND JO GENTRY,
WARDEN,

Respondents-Appellees.

Case No. 71039

District Court No. A-16-735072-W

Appeal from Order Denying Petition for Writ of Habeas Corpus

Eighth Judicial District Court

RESPONDENTS' APPENDIX

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Attorneys for Respondents

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing in accordance with this Court's electronic filing system and consistent with NEFCR 9 on November 4, 2016.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that some of the participants in the case are not registered as electronic users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following participants:

*Not Applicable.

/s/ Sonya M. Koenig
Sonya M. Koenig, an employee of the Office of
the Attorney General

ORIGINAL

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DISTRICT COURT
CLARK COUNTY, NEVADA

A-16-735072-W
PWHC
Petition for Writ of Habeas Corpus
4530412



WILLIAMS, JESSICA,
Petitioner,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS (NDOC);
JO GENTRY, WARDEN,
(JEAN CONSERVATION CAMP),
Respondent,

STATE OF NEVADA,
Real Party in Interest.

Case No.:

A-16-735072-W
VII

PETITION FOR WRIT OF HABEAS CORPUS
(POST CONVICTION)

COMES NOW Petitioner JESSICA WILLIAMS through her counsel, JOHN GLENN WATKINS, ESQ. and ELLEN J. BEZIAN, ESQ. hereby petitions this Honorable Court for an Order directing Respondents and The Real Party in Interest to deduct statutory credits earned pursuant to NRS 209.4465 from her minimum sentences in addition to deductions from the maximum sentences.

Dated this 14th day of April, 2016.

John G. Watkins, Esq.
Counsel for Petitioner

Ellen J. Bezian, Esq.
Counsel for Petitioner

FILED

2016 APR 14 P 3:47

CLERK OF THE COURT

CLERK OF THE COURT

APR 14 2016

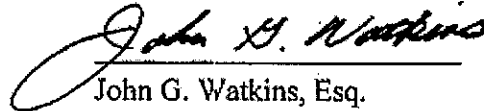
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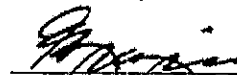
NOTICE OF PETITION

TO: NEVADA DEPARTMENT OF CORRECTIONS (NDOC), AND
TO: JO GENTRY, WARDEN, (JEAN CONVERSATION CAMP), RESPONDENTS,
TO: STATE OF NEVADA, REAL PARTY IN INTEREST.

YOU AND EACH OF YOU, PLEASE TAKE NOTICE that the undersigned
will bring the Petition for hearing before the Court at the Courtroom on the 17 day
of May, 2016, at 9:00 a.m. of said day, in Department VII of said Court.



John G. Watkins, Esq.
Nevada Bar Number 1574
804 South Sixth Street
Las Vegas, Nevada 89101



Ellen J. Bezan, Esq.
Nevada Bar No. 6225
804 South Sixth Street
Las Vegas, Nevada 89101

JURISDICTION

NRS 34.720 states in pertinent part, "The provision of NRS 34.720 to 34.830, inclusive,
apply only to petitions for writs of habeas corpus in which the petitioner: . . . (2) challenges the
computation of time that the petitioner has served pursuant to a judgment of conviction."

NRS 34.724 states in pertinent part, ". . . 2(c) is the only remedy available to an incar-
cerated person to challenge the computation of time that the person has served pursuant to a
judgment of conviction."

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RELEVANT FACTS

Jessica Williams (Jessica) was sentenced March 30, 2001 on six (6) counts of felony DUI (NRS 484.3795, subsequently recodified as NRS 484C. 430) "committed on or after July 17, 1997."¹ Therefore, the statutory prison credits under NRS 209.4465 applies to Jessica's sentences. The sentences were "minimum - maximum" under NRS 193.130(2)(b).

The interpretation of NRS 209.4465, particularly (7)(b), by Nevada Department of Corrections (NDOC) and the adoption by the Nevada Supreme Court of NDOV's interpretation (*Breault v. State, infra.*) was that statutory credits under NRS 209.4465 could not be deducted from a minimum sentence. The Nevada Supreme Court in *Vonseydewitz, infra* reinterpreted NRS 209.4465 to require that the statutory credits be deducted from both the minimum and maximum sentences. Based on *Vonseydewitz*, Jessica is entitled to have the earned statutory credits deducted from her minimum sentences as well as her maximum terms of incarceration.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty:

Jean Conversation Camp

2. Name and location of court which entered the judgment of conviction under attack:

District Court, Clark County, Nevada, Dept. No. VII

3. Date of judgment of conviction:

April 6, 2001

4. Case number:

C166983

¹ The incident occurred March 19, 2000.

1 5(a) Length of sentence:

2 Minimum Thirty Six (36) months and Maximum Ninety-Six (96) months on each of six

3 (6) DUI charges, all to run consecutive to each other.

4 6. Are you presently serving a sentence for a conviction other than the conviction under attack
5 in this motion?

6 No
7

8 7. Nature of offense involved in conviction being challenged:

9 Felony DUI involving six (6) deaths. However, I am challenging the statutory credit
10 issue only.
11

12 8. What was your plea?

13 Not guilty

14 9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or infor-
15 mation, and a plea of not guilty to another count of an indictment or information, or if a plea
16 of guilty or guilty but mentally ill was negotiated, give details:

17 N/A
18

19 10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding
20 made by:

21 Found guilty by the jury.
22

23 11. Did you testify at the trial?

24 No

25 12. Did you appeal from the judgment of conviction?

26 Yes

27 13. If you did appeal, answer the following:
28

1 (a) Name of court:

2 The Supreme Court of the State of Nevada

3 (b) Case number or citation:

4 37785

5 (c) Result:

6 Appeal denied

7 (d) Date of result:

8 August 2, 2002 *Williams v. State*, 118 Nev. 536, 50 P.3d 1116 (2002).

9 14. If you did not appeal, explain briefly why you did not:

10 N/A

11 15. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petition, applications or motions with respect to this judgment in any court, state or federal?

12 Yes

13 16. If your answer to No. 15 was "yes," give the following information:

14 (a)(1) Name of court:

15 District Court, Clark County Nevada Dept. No. XI

16 (2) Name of proceeding:

17 Petition for Post Conviction Relief

18 (3) Grounds raised:

19 The jury issued a general verdict making it impossible to determine what legal theory was used for the guilty verdicts.

1 (4) Did you receive an evidentiary hearing on your petition, application or motion?

2 Yes

3 (5) Result:

4 The convictions were reversed.

5 (6) Date of result:

6 July 22, 2004

7 (7) If known, citations of any written opinion or date of orders entered pursuant to such
8 result.

9 *Williams v State*, District Court No. C189090 (March 11, 2003).

10 (b) As to any second petition, application or motion, give the same information:

11 N/A

12 (c) As to any third or subsequent additional applications or motions, give the same informa-
13 tion as above, list them on a separate sheet and attach.

14 N/A

15 (d) Did you appeal to the highest state or federal court having jurisdiction, the result or action
16 taken on any petition, application or motion?

17 N/A

18 (e) If you did not appeal from the adverse action on any petition, application or motion,
19 explain briefly why you did not. (You must relate specific facts in response to this
20 question. Your response may be included on paper which is 8 ½ by 11 inches attached to
21 the petition. Your response may not exceed five handwritten or typewritten pages in
22 length.)
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1 The State appealed and obtained a reversal of the district court's order vacating the
2 convictions. *State v. Williams*, 120 Nev. 473, 93 P.3d 1258 (2004).

3 17. Has any ground being raised in this petition been previously presented to this or any other
4 court by way of petition for habeas corpus, motion, application or any other post conviction
5 proceeding? If so, identify:
6

7 No

8 18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages
9 you have attached, were not previously presented in any other court, state or federal, list
10 briefly what grounds were not so presented, and give your reasons for not presenting them.
11 (You must relate specific facts in response to this question. Your response may be included
12 on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed
13 five handwritten or typewritten pages in length.)
14

15 The ground listed in 23(a) was not available to be raised previously. The law held that
16 statutory credits under NRS Chapter 209 did not apply to the minimum sentence. *See*
17 *Breault v. State*, 116 Nev. 311, 314, 996 P.2d 888 (2000). It was only as of June 24,
18 2015 that the Nevada Supreme Court held that statutory credits under NRS 209.4465
19 applied to the minimum sentence as well as the maximum. *See Vonseydewitz v.*
20 *LeGrand*, "Order of Reversal And Remand", No. 66159 (June 24, 2015).
21

22 19. Are you filing this petition more than 1 year following the filing of the judgment or convic-
23 tion or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay.
24 (You must relate specific facts in response to this question. Your response may be included
25 on paper which is 8 ½ by 11 inches attached to the petition. Your response may not exceed
26 five handwritten or typewritten pages in length.)
27
28

1 Yes. The law until June 24, 2015 precluded NRS Chapter 209 "good time" credits being
2 deducted from a person's minimum sentence. *See Breault v. State*, 116 Nev. 311, 996
3 P.2d 888 (2000) ("... credits earned to reduce his sentence pursuant to NRS Chapter
4 209 may only reduce the maximum term.") *Id.*, 116 Nev. at 314. (emphasis added.)
5 *See also, Vonseydewitz v. LeGrand*, "Order of Reversal and Remand", No. 66159 (June
6 24, 2015). A request by the State for *en banc* reconsideration was denied February 19,
7 2016.
8

9 20. Do you have any petition or appeal now pending in any court, either state or federal, as to
10 the judgment under attack?

11 Yes

12 1. The Supreme Court of the State of Nevada. Case NO. 66579.

13 2. Federal District Court, *Williams v. Bodo*, No. 2:04-cv-01620-KJD-LRL.

14 21. Give the name of each attorney who represented you in the proceeding resulting in your
15 conviction and on direct appeal:
16

17 JOHN GLENN WATKINS, ESQ. – trial/appeal

18 ELLEN J. BEZIAN, ESQ. – appeal
19

20 22. Do you have any future sentences to serve after you complete the sentence imposed by the
21 judgment under attack?

22 No
23

24 23. State concisely every ground on which you claim that you are being held unlawfully. Sum-
25 marize briefly the facts supporting each ground. If necessary you may attach pages stating
26 additional grounds and facts supporting same.
27
28

1 (a) Ground one:

2 The Nevada Supreme Court has held that persons sentenced to (minimum and maximum
3 sentences) are entitled to statutory credits to be deducted from both the minimum and
4 maximum sentences. *See again, Vonseydewitz v. LeGrand, supra.* The statutory credits
5 under NRS 209.4465 have not been deducted from Jessica minimum sentences.
6

7 I

8 POINTS AND AUTHORITIES

9 A.

10 JESSICA IS ENTITLED TO HAVE
11 NRS 209.4465 STATUTORY CREDITS DEDUCTED
12 FROM HER MINIMUM SENTENCES AS WELL AS THE MAXIMUM

13 NRS 209.4465 addresses credits for offenders sentenced for crimes committed on or
14 after July 17, 1997. Section 7(b) of the statute had been interpreted to prohibit credits being
15 deducted from the minimum sentence for those individuals' sentence to a "minimum - maxi-
16 mum" sentence. *See Breault v. State*, 116 Nev. 311, 314, 996 P.2d 888 (2000) ("... a prisoner
17 who is sentenced for a crime committed on or after July 1, 1995, may be paroled when he has
18 served the minimum term of imprisonment: credits earned to reduce his sentence pursuant to
19 NRS Chapter 209 may only reduce the maximum term.") (emphasis added.)
20

21 The Nevada Supreme Court held in *Vonseydewitz v. LeGrand*, "Order of Reversal and
22 Remand", No. 66159 (Jun 24, 2015)² that sentences under the "minimum – maximum" are
23 entitled to have statutory credits deducted from a person's (such as Jessica) minimum sentence
24 as well as the maximum term. Therefore, Jessica is entitled to the relief requested.
25

26
27 ² A copy of the *Vonseydewitz* Order is attached hereto. Also attached hereto is a copy of the Court's denial of the
28 State's request for *en banc* reconsideration.

1
2 B.

3 **THE EXCEPTIONS TO THE PROCEDURAL BAR**
4 **LISTED IN NRS 34.726 AND NRS 34.810 APPLY HERE**

5 a. Jessica lacked a legal basis to file her claim until *Vonsejdewitz*.³

6 Jessica's petition is untimely filed, *see* NRS 34.726(1) and was a second post-conviction
7 petition pursuant to NRS 34.810(2). These procedural bars do not apply in Jessica's case. NRS
8 34.726 states, "For the purposes of this subsection, good cause for delay exists if the petitioner
9 demonstrates to the satisfaction of the court: (a) That the delay is not the fault of the petitioner;
10 and (b) That dismissal of the petition as untimely will unduly prejudice the petitioner." NRS
11 34.810 states in pertinent part: "... if new and different grounds are alleged, the judge or justice
12 finds that the failure of the petitioner to assert those grounds in a prior petition constituted an
13 abuse of the writ." A procedural default is excused if a petitioner establishes both good cause
14 for the default and prejudice.
15

16 The Court in *Bejarano v. State*, 122 Nev. 1066, 146 P.3d 265 (2006) stated, "Good cause
17 for failing to file a timely petition or raise a claim in a previous proceeding may be established
18 where the factual or legal basis for the claim was not reasonably available." *Id.*, 122 Nev. at
19 1072. (*fn*s omitted.) Jessica lacked a legal basis to make her present claim within the one (1)
20 year requirement or at the time she filed her first post conviction petition. The NDOC, relying
21 on NRS 213.120 and NRS 209.4465, concluded that statutory credits under NRS 209.4465 "must
22 not reduce the minimum term of imprisonment." NRS 213.120(2). This interpretation of the law
23
24
25
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27 ³ See the briefings before the Nevada Supreme Court and the Court's Orders in *Vonsejdewitz*. The State vehe-
28 mently argued that the law prohibited statutory credits under NRS 209.4465 to be deducted from minimum sen-
tences. The State is estopped from arguing the contrary in Jessica's current petition.

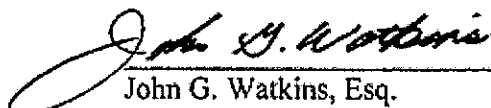
1 remained in effect until June 24, 2015 when the Nevada Supreme Court decided *Vonseydewitz*.⁴
2 A reasonable person would not find NDOC's interpretation of section 7(b) of NRS 209.4465 in
3 light of the language used in NRS 213.120 unreasonable. Under these circumstances, Jessica did
4 not have a reasonably available legal basis to file within the one (1) year period or raise this
5 claim in her first post conviction petition.
6

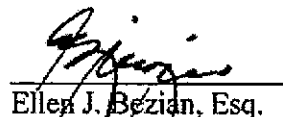
7 Clearly, the failure of NDOC to deduct statutory credits under NRS 209.4465 to Jessica's
8 minimum sentences is prejudicial - IT LENGTHENS THE TIME JESSICA MUST SPEND IN
9 PRISON! See again, *Vonseydewitz*.
10

11 WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner
12 may be entitled in this proceeding.

13 EXECUTED on the 13th day of April, 2016.

14 Respectfully submitted,

15
16 
17 John G. Watkins, Esq.
18 Counsel for Petitioner

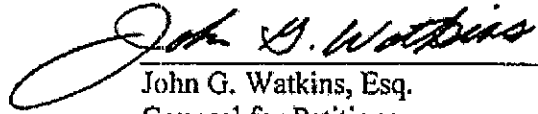
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20 
21 Ellen J. Bezan, Esq.
22 Counsel for Petitioner


23 VERIFICATION

24 Under penalty of perjury, the undersigned declares that in the foregoing petition and
25 knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except

26
27 ⁴ *Vonseydewitz*'s post conviction petition was untimely filed. *Vonseydewitz* was convicted June 16, 2010 pursuant
28 to a guilty plea. He filed his post conviction petition on January 30, 2013. Obviously, the Nevada Supreme
Court excused the procedural bar in NRS 34.726. Jessica should be treated the same.

1 as to those matters stated on information and belief, and as to such matters the undersigned
2 believes them to be true.

3 
4 John G. Watkins, Esq.
5 Counsel for Petitioner

6 
7 Ellen J. Bezian, Esq.
8 Counsel for Petitioner


9 **CERTIFICATE OF SERVICE BY MAIL**

10 I, Sheila Varga, hereby certify pursuant to N.R.C.P. 5(b), that on this 14th day of April,
11 2016 I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS
12 CORPUS addressed to:

13 Nevada Department Of Corrections
14 Jo Gentry, Warden
15 Jean Conversation Camp
16 3 Prison Road
17 PO Box 19859
18 Jean, Nevada 89019

19 Adam Laxalt, Attorney General
20 555 East Washington # 3900
21 Las Vegas, Nevada 89101.

22 Steven Wolfson, District Attorney
23 200 Lewis Street
24 Second Floor
25 Las Vegas, Nevada 89101

26 
27 Sheila Varga
28 an employee of John G. Watkins, Esq.

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 66159

FILED

JUN 24 2015

TRACIE K. LINDENMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus challenging the computation of time served.¹ Sixth Judicial District Court, Pershing County; Richard Wagner, Judge.

Appellant Frederick Vonseydewitz was sentenced to concurrent terms of 8 to 20 years after his convictions for one count of attempt lewdness with a child under the age of 14 and one count of attempt sexual assault with a minor under the age of 14. In his petition, Vonseydewitz claimed that the Nevada Department of Corrections (NDOC) should have been deducting statutory credits earned pursuant to NRS 209.4465 from his minimum sentence but was not. This court issued an order to show cause to the Warden, explaining that his concession below regarding a key fact was tantamount to an admission that Vonseydewitz was entitled to relief. *Vonseydewitz v. LeGrand*, Docket No.

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

66159 (Order to Show Cause, February 12, 2015). The Warden filed a timely response disavowing the concession and arguing that Vonseydewitz was entitled to the deductions only from his maximum, not his minimum sentence.

At issue are the meanings and interrelations of a statute regarding the application of statutory credits, NRS 209.4465(7)(b), and the statute pursuant to which Vonseydewitz was sentenced, NRS 193.330(1)(a)(1). "Statutory interpretation is a question of law subject to de novo review," *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004), and begins with the plain language of the statute in question, *McKay v. Bd. of Supervisors of Carson City*, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986). The statutes in effect at the time the offenses were committed govern. *Weaver v. Graham*, 450 U.S. 24, 31-33 (1981); *Goldsworthy v. Hannifin*, 86 Nev. 252, 255, 468 P.2d 350, 352 (1970). Vonseydewitz committed his offenses between May 1, 1996, and August 31, 2006.

During the relevant time period, NRS 209.4465² provided that statutory credits "[a]pply to eligibility for parole." 1997 Nev. Stat., ch. 641, § 4, at 3175. The statute also contained an exception: Credits would not apply to parole eligibility if "the offender was sentenced pursuant to a

²Vonseydewitz claimed, and the Warden did not dispute below, that NRS 209.4465 governs the application of statutory credits to Vonseydewitz's sentences. The record before this court indicates that NDOC is in fact applying statutory credits pursuant to NRS 209.4465, since it is deducting 20 days' good-time credits per month from Vonseydewitz's maximum sentence. Compare NRS 209.4465(1) (providing for the deduction of 20 days' statutory credits), with NRS 209.446(1) (providing for the deduction of 10 days' statutory credits).

statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." *Id.* Vonseydewitz "was sentenced pursuant to NRS 193.330(1)(a)(1), which provides for a sentence of "a minimum term of not less than 2 years and a maximum term of not more than 20 years." NDOC appears to be applying NRS 209.4465(7)(b)'s exception to Vonseydewitz and is not deducting his statutory credits from his minimum sentence.

Although NRS 193.330(1)(a)(1) provided for a minimum term of not less than two years, it does not necessarily follow that it specified a minimum sentence that must be served before Vonseydewitz becomes eligible for parole. "[I]t is the duty of this court, when possible, to interpret provisions within a common statutory scheme 'harmoniously with one another in accordance with the general purpose of those statutes' and to avoid unreasonable or absurd results." *Torrealba v. Kesmetis*, 124 Nev. 95, 101, 178 P.3d 716, 721 (2008) (quoting *S. Nev. Homebuilders v. Clark Cnty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005)).

During the relevant time period, Nevada's sentencing statutes primarily phrased parolable sentences³ in one of two ways. See 1995 Nev. Stat., ch. 443, § 1, at 1167-68 (NRS 193.130). The first way was expressed as a "minimum-maximum" statute, which provided for a sentence of "a minimum term of not less than [x] years and a maximum term of not more than [y] years." See, e.g., NRS 193.330(1)(a)(1), (2); accord NRS

³Naturally, parole eligibility is a moot question where an offender cannot be paroled, such as with a sentence of death or life in prison without the possibility of parole, or where he is sentenced to an indeterminate sentence for a crime committed on or after July 1, 1995, see NRS 213.120. Thus all further references herein to "sentences" mean parolable sentences.

Martinez, 543 U.S. 371, 385 (2005). Based on the textual analysis above, the statutes are not reasonably susceptible to more than one construction, so it is unnecessary to resort to the canon of constitutional avoidance.

The Warden's final argument that NRS 213.120(2)'s language prohibited the deduction of statutory credits from minimum sentences also fails. During the relevant time period, NRS 213.120(2) stated, "*Any credits earned to reduce his sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment.*" 1995 Nev. Stat., ch. 443, § 235, at 1260 (emphasis added). This language appears to have been in conflict with the general rule of NRS 209.4465(7)(b) that credits apply to parole eligibility.


Statutes should be "interpreted in a way that renders them compatible, not contradictory." Scalia & Garner, *supra*, at 180; *Nevada State Dep't of Motor Vehicles v. Turner*, 89 Nev. 514, 517, 515 P.2d 1265, 1266 (1973). Thus where a general and a specific statute conflict, the more specific is construed as an exception to the general so that, when read together, "the two provisions are not in conflict, but can exist in harmony." Scalia & Garner, *supra*, at 183; see *RadLAX Gateway Hotel, L.L.C. v. Amalgamated Bank*, 566 U.S. ___, ___, 132 S. Ct. 2065, 2071 (2012); *Lader v. Warden*, 121 Nev. 682, 687, 120 P.3d 1164, 1167 (2005). The two statutes were compatible because the specific provisions of NRS 209.4465(7)(b) allowing for the deduction of statutory credits earned pursuant to that section was an exception to NRS 213.120(2)'s more general prohibition against reducing the minimum sentence. See *Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981) (analyzing the relationship between "the 'general' parole statute," NRS 213.120, and

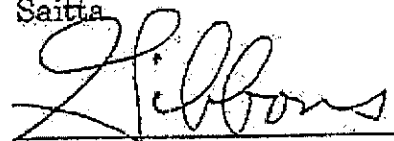
a more specific statutory-credits statute which preceded NRS 209.4465).

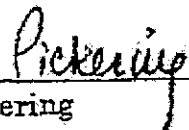
Finally, Vonseydewitz's claim that NDOC is failing to deduct statutory credits from his minimum term because it is applying NRS 209.4465(8) in violation of the federal Ex Post Facto Clause, see U.S. Const. art. 1, § 10, was repelled by the record. NDOC's responses to Vonseydewitz's inmate grievances indicate that NDOC is not applying NRS 209.4465(8) but rather is misapplying the exception in NRS 209.4465(7)(b). NRS 209.4465(7)(b)'s exception refers to sentencing statutes, but rather than relying on Vonseydewitz's sentencing statute, NRS 193.330(1)(a)(1), NDOC is relying on the verbiage in his judgment of conviction.

For the foregoing reasons, we conclude that NDOC has been improperly denying Vonseydewitz the deduction of statutory credits from his minimum sentence, and we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.⁴


Saitta J.


Gibbons J.


Pickering J.

⁴We have considered all pro se documents filed or received in this matter. We conclude that appellant is only entitled to the relief described herein.

cc: Sixth Judicial District Court Dept. 1
Frederick Vonseydewitz
Attorney General/Carson City
Pershing County Clerk

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. LINDENMAN
CLERK OF SUPREME COURT
BY: *[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.
Cherry

[Signature] J.
Gibbons

[Signature] J.
Douglas

[Signature] J.
Saitta

[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


CLERK OF THE COURT

RSPN
ADAM PAUL LAXALT
Attorney General
DENNIS C. WILSON
Deputy Attorney General
Appellate Division
Nevada Bar No. 4420
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Carson City, Nevada 89701-4717
Telephone: (775) 684-1273
Attorney for Respondent

DISTRICT COURT
CLARK COUNTY, NEVADA

JESSICA WILLIAMS,

Petitioner,

vs.

JO GENTRY, WARDEN et al.,

Respondents.

Case No. A-16-735072-W

Dept. No. XXIV

Date of Hearing: July 21, 2016
Time of Hearing: 9:00 a.m.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents, by and through counsel, ADAM PAUL LAXALT, Attorney General of the State of Nevada, and his Senior Deputy Attorney General, DENNIS C. WILSON, hereby answer Jessica Williams' (hereinafter "WILLIAMS") petition for a writ of habeas corpus. This answer is based on the following points and authorities, together with all other pleadings, papers and exhibits attached hereto.

POINTS AND AUTHORITIES

I. FACTS

WILLIAMS was adjudicated guilty following a jury trial and sentenced to a maximum of ninety-six months incarceration with a minimum parole eligibility of thirty-six months on each of six counts of Driving and/or Being in Actual Physical Control with Prohibited Substance in Blood Resulting in the Death of Another. Each of the counts runs consecutively. Additionally,

1 WILLIAMS was sentenced to a period of probation with a suspended sentence of twelve to thirty-
2 four months. Exhibit 1.

3 To date, WILLIAMS has discharged three of her eight-year sentences, has been
4 institutionally paroled on the fourth eight-year sentence, and began accumulating time under her
5 fifth of six eight-year sentences on January 19, 2016. She is currently eligible for parole on said
6 fifth eight-year sentence on January 19, 2019. In her counseled petition, she claims that the
7 good-time credits she has earned since January 19, 2016, and thereafter should be subtracted
8 from her current January 19, 2019 parole eligibility date to accelerate or move up said current
9 parole eligibility date. Exhibit 2.

10 **II. ARGUMENT**

11 The Court should dismiss WILLIAMS' petition because she has failed to show that she is
12 entitled to relief. She cites to the unpublished *Vonseydewitz* three-judge-panel decision which
13 has no precedential value. Further, the legal conclusions and outcome in *Vonseydewitz* directly
14 conflict with an earlier 2014 unpublished opinion by another panel which -- citing to 2003 Nev.
15 Stat., ch. 259 § 13, at 1367-68 (NRS 209.4465) and 1995 Nev. Stat., ch. 443 § 235, at 1259-60
16 (NRS 213.120) -- ruled that when Kille was convicted in 2003, existing statutes did not permit
17 NDOC to apply credits to Kille's minimum terms. See *Kille v. Cox*, 2014 WL 4670217 (Nev.
18 Sept. 18, 2014). Exhibit 3. In addition, the claims in her petition have no merit.

19 In her counseled petition, WILLIAMS contends that her constitutional rights have been
20 violated because NDOC has refused to interpret NRS 209.4465(7)(b) to apply her earned credits
21 toward the minimum terms of her sentences. NRS 34.720(2) authorizes the filing of a post-
22 conviction petition for a writ of habeas corpus to challenge NDOC's computation of the time an
23 inmate has served. Unlike a postconviction petition for writ of habeas corpus which challenges a
24 sentence or conviction, the one-year limitation period in NRS 34.726 and the successive-petition
25 procedural bar in NRS 34.810 do not apply to a postconviction petition which challenges NDOC's
26 computation of time served or of a parole eligibility date. There is, therefore, no need to show
27 good cause and prejudice to file the petition.

28 ///

1 The Court should dismiss WILLIAMS' petition because she has failed to meet her burden
2 of showing that NDOC has improperly applied NRS 209.4465(7)(b).

3 **A. NRS 209.4465(7)(b) Precludes NDOC From Applying Good-Time Credits to**
4 **William's Minimum Sentences.**

5 Statutes must be given "their plain meaning unless this violates the spirit of the act."
6 *McKay v. Board of Sup'rs of Carson City*, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986). "Where
7 a statute is clear on its face, a court may not go beyond the language of the statute in
8 determining the legislature's intent." *Id.*

9 In 2000, when WILLIAMS committed her offenses, NRS 209.4465(7) stated:

10 Credits earned pursuant to this section:

11 (a) Must be deducted from the maximum term imposed by the
12 sentence; and

13 (b) Apply to eligibility for parole **unless the offender was**
sentenced pursuant to a statute which specifies a minimum
sentence that must be served before a person becomes eligible
for parole.

14 1997 Nev. Stat., ch. 641 § 4 at 3175 (emphasis added).

15 The Eighth Judicial District Court convicted WILLIAMS and imposed its sentences
16 pursuant to NRS 484.379. Exhibit 1.

17 At the time WILLIAMS committed her offenses, NRS 484.3795(1)(e) (the DUI death
18 statute) provided that a person who violates said statute "[i]s guilty of a category B felony and
19 shall be punished by imprisonment in the state prison **for a minimum term of not less than 2**
20 **years and a maximum term of not more than 20 years.**" (Emphasis added). Said statute was
21 replaced in revision by NRS 484C.110 and NRS 484C.430 which still provide for a penalty of a
22 minimum term of not less than 2 years and a maximum term of not more than 20 years.

23 WILLIAMS argues that the exception outlined in NRS 209.4465(7)(b) does not apply to
24 her sentences. She appears to claim that the statutes under which she was convicted specify a
25 minimum sentence that must be served before she becomes eligible for parole. The following
26 shows her claims have no merit.

27 At the time WILLIAMS committed her offenses, NRS 213.120 (which specifically
28 addresses when a prisoner becomes eligible for parole) highlighted the significance of the

1 minimum term, stating an offender "may be paroled when he has served the minimum term of
2 imprisonment imposed by the court." Said statute also provided that any credits earned to
3 reduce her sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum
4 term of imprisonment may reduce only the maximum term of imprisonment imposed and must
5 not reduce the minimum term of imprisonment. 1995 Nev. Stat., ch. 1259 § 235 at 1259-60.
6 Accordingly, any statute designating a "minimum term" of imprisonment inherently sets the
7 minimum sentence an offender must serve before becoming parole eligible. *Id.*; NRS
8 209.4465(7)(b). Under WILLIAMS proposed interpretation of NRS 200.380 (and, by extension,
9 every criminal statute designating a minimum-maximum sentence structure), an offender could
10 somehow serve her minimum term, yet not be eligible for parole.¹ This is clearly at odds with the
11 provisions of NRS 213.120. *Cromer v. Wilson*, 126 Nev. 106, 110, 225 P.3d 788, 790 (2010)
12 (courts have a duty to "construe statutes as a whole, so that all provisions are considered
13 together and, to the extent practicable, reconciled and harmonized."). NRS 213.120 is titled,
14 "When Prisoner Becomes Eligible for Parole." It then clearly states that a prisoner is parole
15 eligible upon completing her minimum sentence. NRS 213.120. A harmonious reading of the
16 statutes applicable to WILLIAMS' sentence clearly shows that the minimum term under a
17 minimum-maximum sentencing statute is "a minimum sentence that must be served before a
18 person becomes eligible for parole." NRS 209.4465(7)(b).

19 The Eighth Judicial District Court sentenced WILLIAMS pursuant to a statute that required
20 WILLIAMS to serve "not less than 2 years" as a minimum term (and therefore, to serve at least
21 two years before parole eligibility). NRS 484.3795; NRS 213.120. Accordingly, the exception
22 carved out in NRS 209.4465(7)(b) applies to WILLIAMS' sentence and the NDOC is prohibited
23 from applying good-time credits to WILLIAMS' minimum term. NRS 209.4465(7)(b).

24 ///

25 ///

26 ///

27 _____
28 ¹ The exception included in NRS 209.4465(7)(b) does not state that an offender must be *granted*
parole after a minimum term. It merely applies the exception if an offender becomes eligible for parole
after a defined minimum term. NRS 209.4465(7)(b).

1 B. Should This Court Find NRS 209.4465(7)(b) Is Not Clear On Its Face, Legislative
2 History And Intent Precludes Petitioner's Requested Relief.

3 WILLIAMS' petition, like the flood of similar petitions that have recently been filed in this
4 and other courts in this state, is the result of an unpublished Nevada Supreme Court order filed
5 in *VonSeydewitz v. LeGrand* 2015 WL 3936827 (Nev. May 24, 2015). See the Order of
6 Affirmance and Order Denying En Banc Reconsideration attached to WILLIAMS' petition.
7 Unpublished orders issued prior to January 1, 2016, should not be relied upon as either
8 persuasive or mandatory precedent. See, e.g., Nevada Rules of Appellate Procedure (NRAP)
9 36(c)(2)-(3). As demonstrated below, one reason for this policy is the fact that unpublished
10 orders are not reviewed as thoroughly as published opinions, and can present contradictory
11 analysis and flawed outcomes.² WILLIAMS' reliance on a pre-2016 unpublished decision is
12 improper. See NRAP 36(c).

13 Although the pre-2016 unpublished decision is neither binding nor properly cited as
14 persuasive authority, respondents will nevertheless address it below.

15 I. **Historical background**

16 Statutory history shows that *Vonseydewitz* was incorrectly decided.

17 Between 1967 and 1995, Nevada law generally provided for determinate sentences in
18 felony cases. See 1967 Nev. Stat., ch. 211 § 2, at 458-59; 199 Nev. Stat., ch. 443, § 1, at 1167-
19 68. These statutes imposed a single term of imprisonment, and parole eligibility was based upon
20 serving a specified percentage of that term. See NRS 213.120(1). During this same time period,
21 some statutes imposed sentences with a maximum term and stated a minimum term of years
22 that must be served before an offender became eligible for parole. Respondent will refer to
23 these as "parole-eligibility" statutes. Inmates sentenced under these statutes were not eligible
24 for parole until they served their minimum sentence.

25
26
27 ² For example, as stated above, *VonSeydewitz* directly conflicts with a 2014 unpublished order from a
28 panel that included none of the three justices who decided *VonSeydewitz*. See *Kille v. Cox*, 2014 WL
4670217 (Nev. Sept. 18, 2014) which ruled that in 2003, existing statutes did not permit the NDOC to
apply credits to a prisoner's minimum terms.

1 In 1981, the Nevada Supreme Court decided that inmates serving "parole-eligibility"
2 sentences were entitled to apply good time credits against their minimum sentences for the
3 purpose of parole eligibility. *Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981). In
4 response, in 1983 the Legislature amended NRS 209.443, adding language similar to the
5 language now found in NRS 209.4465(7)(b). See 1983 Nev. Stat., ch. 158, § 1, at 360-61
6 ("Good time does not apply to eligibility for parole if a statute specifies a minimum sentence that
7 must be served before a person becomes eligible for parole."). This language was intended to
8 abrogate *Demosthenes* and prevent inmates serving "parole eligibility" sentences from receiving
9 credit towards their minimum terms.

10 In 1995, the Nevada Legislature passed SB 416 as part of the "truth-in-sentencing"
11 movement. 1995 Nev. Stat., ch. 443, at 1167. That bill replaced Nevada's determinate
12 sentencing statutes with the sentencing statutes that we have now, which include both a
13 minimum term and a maximum term.³ 1995 Nev. Stat., ch. 443, § 1 at 1167-68. In passing SB
14 416, the Legislature expressed its intention to "require prisoners to serve the minimum term of
15 imprisonment imposed by their sentence before becoming eligible for parole." 1995 Nev. Stat.,
16 ch. 443, at 1167. To accomplish this end, SB 416 also amended NRS 213.120 to require that
17 "any credits earned to reduce [a prisoner's] sentence pursuant to chapter 209 of NRS while the
18 prisoner serves the minimum term of imprisonment may reduce only the maximum term of
19 imprisonment imposed and must not reduce the minimum term of imprisonment." 1995 Nev.
20 Stat., ch. 443, § 235, at 1260-61. Accordingly, as of 1995, Nevada laws did not permit any
21 Nevada inmate to apply statutory credits towards his or her minimum term.⁴

22 This remained true until 2007, when the Nevada legislature passed AB 510, and provided
23 that "certain credits to the sentence of an offender convicted of certain category C, D, or E
24 felonies must be deducted from the minimum term imposed by the sentence until the offender
25 becomes eligible for parole." 2007 Nev. Stat., ch. 525, Legislative Counsel's Digest, at 3171.

26
27 ³ Respondent will refer to these statutes as "minimum-maximum" sentencing statutes.

28 ⁴ As discussed above, there is no functional difference between a parole-eligibility sentence and a
minimum-maximum sentence. The supposed differences in the statutes are only in their phrasing. Both
types of sentences include a minimum that must be served before the prisoner is eligible for parole and a
maximum that must be served before the sentence expires.

1 AB 510, including the addition of NRS 209.4465(8), allowed good-time credits earned by some
2 categories of felons with both minimum and maximum sentences to be applied to their parole
3 eligibility for the first time since 1983, but maintained the status quo for the remainder, such as
4 WILLIAMS. In other words, the Legislature changed the previous law -- which stated that no
5 inmate could subtract good-time credits from his minimum term to accelerate his parole eligibility
6 date -- to allow only C, D and E felons to subtract good-time credits from the minimum sentence.

7 Throughout all of these changes to the sentencing statutes, the statutory language
8 adopted in 1983 to distinguish between "determinate" and "parole-eligibility" sentencing statutes
9 was carried over into each new version of the credits statutes and remains in those statutes to
10 this day. See 1983 Nev. Stat., ch. 158 § 1, at 360-61 (adding the provision to NRS 209.443);
11 1985 Nev. Stat., ch. 615, § 1 at 1924-25 (creating NRS 209.446 with the same provision); 1997
12 Nev. Stat., ch. 641, § 4, at 3175 (creating NRS 209.4465 with the same provision); 2007 Nev.
13 Stat., ch. 525, §5 at 3177 (amending NRS 209.4465 but keeping the provision intact); NRS
14 209.4465(7) (current statute). Viewing this language in its historical context, it is clear that its
15 purpose was to prevent the application of statutory credits to the minimum sentences of Nevada
16 prisoners. This fact is only made clearer when NRS 209.4465 is viewed in conjunction with NRS
17 213.120 as those statutes read prior to AB 510, when Williams committed her offenses. See
18 1995 Nev. Stat., ch. 443, § 235, at 1259-60. The legislature specifically acknowledged the
19 credits provisions of NRS chapter 209 before stating those very credits "must not reduce the
20 minimum term of imprisonment." *Id.* The statutory scheme between 1995 and 2007 simply did
21 not permit felons sentenced to both a maximum and a minimum term to apply their good-time
22 credits to their minimum terms. See *Breault v. State*, 116 Nev. 311, 314, 996 P.2d 888, 889
23 (2000) (Under NRS 213.120, "credits earned to reduce [a prisoner's] sentence pursuant to NRS
24 chapter 209 may only reduce the maximum term.").

25 II. VonSeydewitz v. LeGrand.

26 Last year, a panel of the Nevada Supreme Court reached a different conclusion in an
27 unpublished order. *VonSeydewitz v. LeGrand*, 2015 WL 3936827 (Nev. May 24, 2015). The
28 panel reasoned that if the language of the exception in NRS 209.4465(7)(b) was interpreted in

1 the way that it was originally intended, it would become meaningless because Nevada no longer
2 has determinate sentences. *Id.* The panel decided to read NRS 209.4465(7)(b) differently, and
3 concluded that it instead distinguishes between "parole-eligibility" statutes and "minimum-
4 maximum" statutes. *Id.*

5 The legal conclusions and outcome in *Vonseydewitz* directly conflict with an earlier 2014
6 unpublished opinion by another panel. See *Kille v. Cox*, 2014 WL 4670217 (Nev. Sept. 18,
7 2014). The *Kille* panel based its decision on its conclusion that "[I]n 2003, existing statutes did
8 not permit the NDOC to apply credits to appellant's minimum terms."

9 The *Vonseydewitz* panel erred. Although courts will avoid rendering a provision nugatory,
10 "it is the duty of [courts], when possible, to interpret provisions within a common statutory
11 scheme 'harmoniously with one another in accordance with the general purpose of those
12 statutes' and to avoid unreasonable or absurd results, thereby giving effect to the Legislature's
13 intent." *Southern Nevada Homebuilder's Ass'n v. Clark County*, 121 Nev. 446, 449, 117 P.3d
14 171, 173 (2005). As explained in the statutory history, the language in NRS 209.4465(7)(b) was
15 added to the credits statutes in the early 1980s, prior to the creation of minimum-maximum
16 sentences, in order to abrogate *Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981).
17 It was intended to differentiate between statutes providing for determinate sentences and
18 sentences that imposed [x] years in custody with parole eligibility after [y] years have been
19 served. *Id.* The Legislature then carried the language into every version of the credits statutes
20 enacted since 1983, even though determinate sentences, with the exception of life sentences,
21 ceased to exist after 1995. NRS 193.130; NRS 209.446; NRS 209.4465. The *Vonseydewitz*
22 panel's attempt to avoid nugatory language by constructing a new meaning for NRS
23 209.4465(7)(b) only frustrated the well-understood and acknowledged intent of the Nevada
24 Legislature.

25 In 1995, SB 416 created minimum-maximum sentence structures, provided that the
26 minimums determined parole eligibility and that credits earned pursuant to NRS Chapter 209 did
27 not apply to the minimum term of imprisonment, and left intact the 1983 language currently found
28 in NRS 209.4465(7)(b). This indicates that the Legislature intended that language to apply to the

1 new minimum-maximum statutes the same way it had been applied to "parole eligibility" statutes
2 immediately following its original enactment. It is possible the Legislature preserved the
3 language to address any determinate sentencing statutes that remained on the books or were
4 potentially created in the future.

5 Where, as here, the Legislative intent is apparent and the effort to give meaning to every
6 portion of a statute frustrates that intent, and creates conflicts between statutes that would not
7 otherwise exist, Nevada case law requires this Court to interpret the statute in a way that
8 maintains harmony and gives effect to legislative intent. See *Sanchez-Dominguez v. State*, 130
9 Nev. ____, ____, 318 P.3d 1068, 1074 (2014) (stating that it is a "well-established rule that
10 statutory construction must not defeat the purpose of a statute"); *State v. Lucero*, 127 Nev. ____,
11 ____, 249 P.3d 1226, 1228 (2011) ("When interpreting a statute, legislative intent "is the
12 controlling factor." (quoting *Robert E. v. Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959
13 (1983))); *Savage v. Pierson*, 123 Nev. 86, 95, 157 P.3d 967, 703 (2007) (interpreting statutory
14 provision to create redundancy because that was the legislative intent); *Southern Nevada*
15 *Homebuilder's Ass'n*, 121 Nev. at 449, 117 P.3d at 173; see also *Bob Jones University v. U.S.*,
16 461 U.S. 574, 586 (1983) ("It is a well-established canon of statutory construction that a court
17 should go beyond the literal language of a statute if reliance on that language would defeat the
18 plain purpose of the statute."). Indeed, courts have explained time and again that the purpose of
19 the rules of statutory construction is to discern the intent of the enacting legislative body. See
20 *Albernaz v. U.S.*, 450 U.S. 333, 340 (1981); *U.S. v. Chambers*, 985 F.2d 1263, 1273 (4th Cir.
21 1993).

22 Not only does the *VonSeydewitz* panel's decision ignore the legislative intent, but it also
23 leads to an absurd result. For example, the 2007 enactment of AB 510 expressly made the
24 amendatory provisions retroactive to the year 2000 in order to apply credits to the minimum
25 sentences of certain C, D, and E felons. See 2007 Nev. Stat., ch. 525, § 21, at 3196. If the pre-
26 2007 language in NRS 209.4465(7)(b) permitted the application of credits to the minimum terms
27 of all minimum-maximum sentences, those inmates would have already been entitled to the
28 application of credits to their minimum sentences during those years. All C, D, and E felonies

1 between 2000 and 2007 were punishable by minimum-maximum sentences. The panel's
2 interpretation of NRS 209.4465(7)(b) in VonSeydewitz seeks to avoid nugatory language, but it
3 merely creates different nugatory language in AB 510.

4 In the late 1990s and early 2000s, the Legislature clearly intended that all offenders
5 "serve the minimum term of imprisonment imposed by their sentence before becoming eligible
6 for parole." 1995 Nev. Stat., ch. 443, at 1167. Even the current statutes, which allow many
7 offenders to apply credits to their minimum sentences, prevent offenders like Williams from doing
8 so. See NRS 209.4465(8) (denying the application of credits to the minimum sentences of A and
9 B felons). Williams has never been entitled to the application of statutory credits to her minimum
10 sentences, and the NDOC has properly calculated her sentences.

11 III. CONCLUSION

12 A plain language reading of NRS 209.4465(7) and NRS 213.120 shows that Williams was
13 not entitled to have good-time credits applied to the minimum term of her sentences. Principles
14 of statutory construction, including discerning legislative intent, only provide further support for
15 this position. Based on the above information and arguments, this Court should deny Williams's
16 petition for writ of habeas corpus.

17 DATED, this 28th day of June, 2016.

18 ADAM PAUL LAXALT
19 Attorney General

20 By _____
21 DENNIS C. WILSON
22 Senior Deputy Attorney General
23
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25
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27
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1 CERTIFICATE OF SERVICE

2 I hereby certify that I electronically filed the foregoing Response to Petition for Writ of
3 Habeas Corpus with the Clerk of the Court by using the electronic filing system on the 28th day of
4 June, 2016.

5 I certify that some of the participants in the case are not registered electronic filing system
6 users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or via
7 facsimile transmission or e-mail; or have dispatched it to a third party commercial carrier for
8 delivery within 3 calendar days to the following unregistered participants:

9 Mr. John Watkins, Esq.
10 804 South Sixth Street
11 Las Vegas, NV 89101
johnawatkins@hotmail.com
Counsel for Petitioner

12
13 /s/ Marsha Landreth
14 An Employee of the Office of the Attorney General
15
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EXHIBIT 1

ORIGINAL

FILED

APR 6 8 45 AM '01

Shirley E. Rungius
CLERK

1 JOC
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JESSICA WILLIAMS,
13 #01534178

14 Defendant.

Case No. C166483
Dept. No. VII

15
16 JUDGMENT OF CONVICTION (JURY TRIAL)

17 The Defendant previously entered plea(s) of not guilty to the crime(s) of DRIVING
18 AND/OR BEING IN ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE
19 OF A CONTROLLED SUBSTANCE AND/OR WITH A PROHIBITED SUBSTANCE IN
20 BLOOD OR URINE (Felony); RECKLESS DRIVING (Felony); INVOLUNTARY
21 MANSLAUGHTER (Felony); POSSESSION OF CONTROLLED SUBSTANCE (Felony); and
22 UNDER THE INFLUENCE OF CONTROLLED SUBSTANCE (Felony); in violation of NRS
23 484.3795, 484.377, 200.070, 453.336, 453.411, and the matter having been tried before a jury,
24 and the Defendant being represented by counsel and having been found guilty of the crime(s)
25 of COUNT I - DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL WITH A
26 PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE DEATH OF SCOTT GARNER, JR.
27 (FELONY); COUNT II - DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL WITH A
28 PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE DEATH OF ALBERTO PUIG

COUNTY CLERK

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1 (FELONY); COUNT III - DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL WITH
2 PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE DEATH OF ANTHONY SMITH
3 (FELONY); COUNT IV - DRIVING AND/OR BEING IN ACTUAL PHYSICAL CONTROL WITH
4 A PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE DEATH OF REBECCA
5 GLICKEN (FELONY); COUNT V - DRIVING AND/OR BEING IN ACTUAL PHYSICAL
6 CONTROL WITH A PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE DEATH OF
7 MALINA STOLTZFUS (FELONY); COUNT VI - DRIVING AND/OR BEING IN ACTUAL
8 PHYSICAL CONTROL WITH A PROHIBITED SUBSTANCE IN BLOOD RESULTING IN THE
9 DEATH OF JENNIFER BOOTH (FELONY); COUNT XIX - USE OF A CONTROLLED
10 SUBSTANCE (FELONY); and COUNT XX - POSSESSION OF CONTROLLED SUBSTANCE
11 (FELONY); and thereafter on the 30th day of March, 2001, the Defendant was present in Court
12 for sentencing with her counsel, JOHN G. WATKINS, ESQ.; and good cause appearing therefor,

13 THE DEFENDANT HEREBY ADJUDGED. guilty of the crime(s) as set forth in the jury's
14 verdict and, in addition to the \$25 Administrative Assessment fee, a \$60 Drug Analysis fee, a
15 mandatory \$12,000.00 FINE (\$2,000.00 per DUI count), \$48,300.00 RESTITUTION, and mandatory
16 attendance of a victim impact panel, DEFENDANT WILLIAMS SENTENCED to the Nevada
17 Department of Prisons as to: COUNT I - a MAXIMUM term of NINETY-SIX (96) MONTHS with a
18 MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS; COUNT II - a MAXIMUM term of
19 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS;
20 CONSECUTIVE to COUNT I; COUNT III - a MAXIMUM term of NINETY-SIX (96) MONTHS with
21 a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS; CONSECUTIVE to COUNT II;
22 COUNT IV - a MAXIMUM term of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility
23 of THIRTY-SIX (36) MONTHS; CONSECUTIVE to COUNT III; COUNT V - a MAXIMUM term of
24 NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS;
25 CONSECUTIVE to COUNT IV; COUNT VI - a MAXIMUM term of NINETY-SIX (96) MONTHS
26 with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS; CONSECUTIVE to COUNT V;
27 COUNT XIX - a MAXIMUM term of THIRTY-FOUR (34) MONTHS with a MINIMUM parole
28 eligibility of TWELVE (12) MONTHS; SUSPENDED; placed on PROBATION for an indeterminate

1 period not to exceed TWO (2) YEARS (as to Count XIX ONLY), CONCURRENT with COUNT VI;
2 COUNT XX - a MAXIMUM term of THIRTY-SIX (36) MONTHS with a MINIMUM parole eligibility
3 of TWELVE (12) MONTHS; SUSPENDED; placed on PROBATION for an indeterminate period not
4 to exceed TWO (2) YEARS (as to Count XX ONLY), CONCURRENT with COUNT XIX. Defendant
5 given credit for 376 days served.

6 DATED this 5 day of April, 2001.

7 
8 DISTRICT JUDGE
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28 /sjj

EXHIBIT 2



State of Nevada
Department of Corrections
Credit History by Sentence
MAX Term

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 6 Count: 1
Current Earned Expiration Date:

Case	Sentence Dt	JC	Rele Dt	MAX Term	Days Served	PEX	PEX D	Status
166483	03/30/2001	376	03/18/2000	0y 96m 0d	2922	03/17/2003	04/15/2005	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/18/2000	03/31/2000	FLAT	14	No Comment	2908
03/18/2000	03/31/2000	STAT	5	No Comment	2903
03/18/2000	03/31/2000	WORK	0	No Comment	2903
04/01/2000	04/30/2000	FLAT	30	No Comment	2873
04/01/2000	04/30/2000	STAT	10	No Comment	2863
04/01/2000	04/30/2000	WORK	0	No Comment	2863
05/01/2000	05/31/2000	FLAT	31	No Comment	2832
05/01/2000	05/31/2000	STAT	10	No Comment	2822
05/01/2000	05/31/2000	WORK	0	No Comment	2822
06/01/2000	06/30/2000	FLAT	30	No Comment	2792
06/01/2000	06/30/2000	STAT	10	No Comment	2782
06/01/2000	06/30/2000	WORK	0	No Comment	2782
07/01/2000	07/31/2000	FLAT	31	No Comment	2751
07/01/2000	07/31/2000	STAT	10	No Comment	2741
07/01/2000	07/31/2000	WORK	0	No Comment	2741
08/01/2000	08/31/2000	FLAT	31	No Comment	2710
08/01/2000	08/31/2000	STAT	10	No Comment	2700
08/01/2000	08/31/2000	WORK	0	No Comment	2700
09/01/2000	09/30/2000	FLAT	30	No Comment	2670
09/01/2000	09/30/2000	STAT	10	No Comment	2660
09/01/2000	09/30/2000	WORK	0	No Comment	2660
10/01/2000	10/31/2000	FLAT	31	No Comment	2629
10/01/2000	10/31/2000	STAT	10	No Comment	2619
10/01/2000	10/31/2000	WORK	0	No Comment	2619
11/01/2000	11/30/2000	FLAT	30	No Comment	2589
11/01/2000	11/30/2000	STAT	10	No Comment	2579
11/01/2000	11/30/2000	WORK	0	No Comment	2579
12/01/2000	12/31/2000	FLAT	31	No Comment	2548
12/01/2000	12/31/2000	STAT	10	No Comment	2538
12/01/2000	12/31/2000	WORK	0	No Comment	2538
01/01/2001	01/31/2001	FLAT	31	No Comment	2507
01/01/2001	01/31/2001	STAT	10	No Comment	2497
01/01/2001	01/31/2001	WORK	0	No Comment	2497
02/01/2001	02/28/2001	FLAT	28	No Comment	2469
02/01/2001	02/28/2001	STAT	10	No Comment	2459
02/01/2001	02/28/2001	WORK	0	No Comment	2459
03/01/2001	03/29/2001	FLAT	29	No Comment	2430

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:39:34 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 6

Count: 1

Current Earned Expiration Date:

Case	Sentence Dt	JO	Rate Dt	MAX Term	Days Owed	PEO	PEAD	Status
166483	03/30/2001	376	03/18/2000	0y 96m 0d	2922	03/17/2003	04/15/2005	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2001	03/29/2001	STAT	10	No Comment	2420
03/01/2001	03/29/2001	WORK	0	No Comment	2420
03/30/2001	03/31/2001	FLAT	2	No Comment	2418
03/30/2001	03/31/2001	STAT	0	No Comment	2418
03/30/2001	03/31/2001	WORK	0	No Comment	2418
04/01/2001	04/30/2001	FLAT	30	No Comment	2388
04/01/2001	04/30/2001	STAT	10	No Comment	2378
04/01/2001	04/30/2001	WORK	0	No Comment	2378
05/01/2001	05/31/2001	FLAT	31	No Comment	2347
05/01/2001	05/31/2001	STAT	10	No Comment	2337
05/01/2001	05/31/2001	WORK	0	No Comment	2337
06/01/2001	06/30/2001	FLAT	30	No Comment	2307
06/01/2001	06/30/2001	STAT	10	No Comment	2297
06/01/2001	06/30/2001	WORK	2	No Comment	2295
07/01/2001	07/31/2001	FLAT	31	No Comment	2264
07/01/2001	07/31/2001	STAT	10	No Comment	2254
07/01/2001	07/31/2001	WORK	4	No Comment	2250
08/01/2001	08/31/2001	FLAT	31	No Comment	2219
08/01/2001	08/31/2001	STAT	10	No Comment	2209
08/01/2001	08/31/2001	WORK	4	No Comment	2205
09/01/2001	09/30/2001	FLAT	30	No Comment	2175
09/01/2001	09/30/2001	STAT	10	No Comment	2165
09/01/2001	09/30/2001	WORK	3	No Comment	2162
10/01/2001	10/31/2001	FLAT	31	No Comment	2131
10/01/2001	10/31/2001	STAT	10	No Comment	2121
10/01/2001	10/31/2001	WORK	3	No Comment	2118
11/01/2001	11/30/2001	FLAT	30	No Comment	2088
11/01/2001	11/30/2001	STAT	10	No Comment	2078
11/01/2001	11/30/2001	WORK	0	No Comment	2078
12/01/2001	12/31/2001	FLAT	31	No Comment	2047
12/01/2001	12/31/2001	STAT	10	No Comment	2037
12/01/2001	12/31/2001	WORK	6	No Comment	2031
01/01/2002	01/31/2002	FLAT	31	No Comment	2000
01/01/2002	01/31/2002	STAT	10	No Comment	1990
01/01/2002	01/31/2002	WORK	10	No Comment	1980
02/01/2002	02/28/2002	FLAT	28	No Comment	1952
02/01/2002	02/28/2002	STAT	10	No Comment	1942
02/01/2002	02/28/2002	WORK	10	No Comment	1932
03/01/2002	03/31/2002	FLAT	31	No Comment	1901
03/01/2002	03/31/2002	MR_VC_CP	30	No Comment	1871
03/01/2002	03/31/2002	STAT	10	No Comment	1861
03/01/2002	03/31/2002	WORK	10	No Comment	1851
04/01/2002	04/30/2002	FLAT	30	No Comment	1821

The PEAD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 6

Count: 1

Current Earned Expiration Date:

Case #	Sentencing Dt	IC	Release Dt	MAX Term	Days Cred	PEO	PEXD	Status
166483	03/30/2001	376	03/18/2000	0y 96m 0d	2922	03/17/2003	04/15/2005	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2002	04/30/2002	STAT	10	No Comment	1811
04/01/2002	04/30/2002	WORK	10	No Comment	1801
05/01/2002	05/31/2002	FLAT	31	No Comment	1770
05/01/2002	05/31/2002	STAT	10	No Comment	1760
05/01/2002	05/31/2002	WORK	10	No Comment	1750
06/01/2002	06/30/2002	FLAT	30	No Comment	1720
06/01/2002	06/30/2002	STAT	10	No Comment	1710
06/01/2002	06/30/2002	WORK	6	No Comment	1704
07/01/2002	07/31/2002	FLAT	31	No Comment	1673
07/01/2002	07/31/2002	STAT	10	No Comment	1663
07/01/2002	07/31/2002	WORK	10	No Comment	1653
08/01/2002	08/31/2002	FLAT	31	No Comment	1622
08/01/2002	08/31/2002	STAT	10	No Comment	1612
08/01/2002	08/31/2002	WORK	10	No Comment	1602
09/01/2002	09/30/2002	FLAT	30	No Comment	1572
09/01/2002	09/30/2002	STAT	10	No Comment	1562
09/01/2002	09/30/2002	WORK	10	No Comment	1552
10/01/2002	10/31/2002	FLAT	31	No Comment	1521
10/01/2002	10/31/2002	STAT	10	No Comment	1511
10/01/2002	10/31/2002	WORK	10	No Comment	1501
11/01/2002	11/30/2002	FLAT	30	No Comment	1471
11/01/2002	11/30/2002	MR_VC_CP	30	No Comment	1441
11/01/2002	11/30/2002	STAT	10	No Comment	1431
11/01/2002	11/30/2002	WORK	10	No Comment	1421
12/01/2002	12/31/2002	FLAT	31	No Comment	1390
12/01/2002	12/31/2002	STAT	10	No Comment	1380
12/01/2002	12/31/2002	WORK	10	No Comment	1370
01/01/2003	01/31/2003	FLAT	31	No Comment	1339
01/01/2003	01/31/2003	STAT	10	No Comment	1329
01/01/2003	01/31/2003	WORK	10	No Comment	1318
02/01/2003	02/28/2003	FLAT	28	No Comment	1291
02/01/2003	02/28/2003	STAT	10	No Comment	1281
02/01/2003	02/28/2003	WORK	10	No Comment	1271
03/01/2003	03/31/2003	FLAT	31	No Comment	1240
03/01/2003	03/31/2003	STAT	10	No Comment	1230
03/01/2003	03/31/2003	WORK	10	No Comment	1220
04/01/2003	04/30/2003	FLAT	30	No Comment	1190
04/01/2003	04/30/2003	STAT	10	No Comment	1180
04/01/2003	04/30/2003	WORK	10	No Comment	1170
05/01/2003	05/31/2003	FLAT	31	No Comment	1139
05/01/2003	05/31/2003	STAT	10	No Comment	1129
05/01/2003	05/31/2003	WORK	10	No Comment	1119
06/01/2003	06/30/2003	FLAT	30	No Comment	1089

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

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Run Date: Tue Jun 28 11:39:34 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 6

Count: 1

Current Earned Expiration Date:

Case	Sentence D	IC	Prison D	Min Term	Days Cred	PEP	REXD	Status
166483	03/30/2001	376	03/18/2000	0y 96m 0d	2922	03/17/2003	04/15/2005	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
06/01/2003	06/30/2003	STAT	10	No Comment	1079
06/01/2003	06/30/2003	WORK	10	No Comment	1069
07/01/2003	07/31/2003	FLAT	31	No Comment	1038
07/01/2003	07/31/2003	STAT	10	No Comment	1028
07/01/2003	07/31/2003	WORK	10	No Comment	1018
08/01/2003	08/31/2003	FLAT	31	No Comment	987
08/01/2003	08/31/2003	STAT	10	No Comment	977
08/01/2003	08/31/2003	WORK	10	No Comment	967
09/01/2003	09/30/2003	FLAT	30	No Comment	937
09/01/2003	09/30/2003	STAT	10	No Comment	927
09/01/2003	09/30/2003	WORK	10	No Comment	917
10/01/2003	10/31/2003	FLAT	31	No Comment	886
10/01/2003	10/31/2003	STAT	10	No Comment	876
10/01/2003	10/31/2003	WORK	10	No Comment	866
11/01/2003	11/30/2003	FLAT	30	No Comment	836
11/01/2003	11/30/2003	STAT	10	No Comment	826
11/01/2003	11/30/2003	WORK	10	No Comment	816
12/01/2003	12/31/2003	FLAT	31	No Comment	785
12/01/2003	12/31/2003	STAT	10	No Comment	775
12/01/2003	12/31/2003	WORK	10	No Comment	765
01/01/2004	01/31/2004	FLAT	31	No Comment	734
01/01/2004	01/31/2004	STAT	10	No Comment	724
01/01/2004	01/31/2004	WORK	10	No Comment	714
02/01/2004	02/29/2004	FLAT	29	No Comment	685
02/01/2004	02/29/2004	STAT	10	No Comment	675
02/01/2004	02/29/2004	WORK	10	No Comment	665
03/01/2004	03/31/2004	FLAT	31	No Comment	634
03/01/2004	03/31/2004	STAT	10	No Comment	624
03/01/2004	03/31/2004	WORK	10	No Comment	614
04/01/2004	04/30/2004	FLAT	30	No Comment	584
04/01/2004	04/30/2004	STAT	10	No Comment	574
04/05/2004	04/30/2004	WORK	10	No Comment	564
05/01/2004	05/31/2004	FLAT	31	No Comment	533
05/01/2004	05/31/2004	STAT	10	No Comment	523
05/01/2004	05/31/2004	WORK	10	No Comment	513
06/01/2004	06/30/2004	FLAT	30	No Comment	483
06/01/2004	06/30/2004	STAT	10	No Comment	473
06/01/2004	06/30/2004	WORK	10	No Comment	463
07/01/2004	07/31/2004	FLAT	31	No Comment	432
07/01/2004	07/31/2004	STAT	10	No Comment	422
07/01/2004	07/31/2004	WORK	0	No Comment	422
08/01/2004	08/31/2004	FLAT	31	No Comment	391
08/01/2004	08/31/2004	STAT	10	No Comment	381

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:39:34 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 6

Count: 1

Current Earned Expiration Date:

ID#	Birth Date	JC	Retire Dt	MAX Term	Days Owed	PEB	PEXD	Status
166483	03/30/2001	376	03/18/2000	0y 96m 0d	2922	03/17/2003	04/15/2005	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					376
08/01/2004	08/31/2004	WORK	5	No Comment	346
09/01/2004	09/30/2004	FLAT	30	No Comment	336
09/01/2004	09/30/2004	STAT	10	No Comment	326
09/01/2004	09/30/2004	WORK	10	No Comment	295
10/01/2004	10/31/2004	FLAT	31	No Comment	285
10/01/2004	10/31/2004	STAT	10	No Comment	275
10/01/2004	10/31/2004	WORK	10	No Comment	245
11/01/2004	11/30/2004	FLAT	30	No Comment	235
11/01/2004	11/30/2004	STAT	10	No Comment	225
11/01/2004	11/30/2004	WORK	10	No Comment	194
12/01/2004	12/31/2004	FLAT	31	No Comment	184
12/01/2004	12/31/2004	STAT	10	No Comment	174
12/01/2004	12/31/2004	WORK	10	No Comment	143
01/01/2005	01/31/2005	FLAT	31	No Comment	133
01/01/2005	01/31/2005	STAT	10	No Comment	123
01/01/2005	01/31/2005	WORK	10	No Comment	95
02/01/2005	02/28/2005	FLAT	28	No Comment	85
02/01/2005	02/28/2005	STAT	10	No Comment	75
02/01/2005	02/28/2005	WORK	10	No Comment	44
03/01/2005	03/31/2005	FLAT	31	No Comment	34
03/01/2005	03/31/2005	STAT	10	No Comment	24
03/01/2005	03/31/2005	WORK	10	No Comment	9
04/01/2005	04/15/2005	FLAT	15	No Comment	3
04/01/2005	04/15/2005	STAT	6	No Comment	0
04/01/2005	04/30/2005	WORK	3	No Comment	

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:39:34 PDT 2016



State of Nevada Department of Corrections Credit History by Sentence

MAX Term

Sentence: 5 Count: 2
Current Earned Expiration Date:

Offender: WILLIAMS, JESSICA - 0000068716

Case	Sentence Dt	IC	Ratio Dt	MAX Term	Days Owed	PEXD	PEXD	Status
166483	04/16/2005	0		0y 96m 0d	2922	04/15/2008	01/15/2009	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2005	04/30/2005	WORK	3	No Comment	2919
04/16/2005	04/30/2005	FLAT	15	No Comment	2904
04/16/2005	04/30/2005	STAT	5	No Comment	2899
05/01/2005	05/31/2005	FLAT	31	No Comment	2868
05/01/2005	05/31/2005	STAT	10	No Comment	2858
05/01/2005	05/31/2005	WORK	10	No Comment	2848
06/01/2006	06/30/2005	FLAT	30	No Comment	2818
06/01/2006	06/30/2005	STAT	10	No Comment	2808
06/01/2006	06/30/2005	WORK	10	No Comment	2798
07/01/2005	07/31/2005	FLAT	31	No Comment	2767
07/01/2005	07/31/2005	STAT	10	No Comment	2757
07/01/2005	07/31/2005	WORK	10	No Comment	2747
08/01/2005	08/31/2005	FLAT	31	No Comment	2716
08/01/2005	08/31/2005	STAT	10	No Comment	2706
08/01/2005	08/31/2005	WORK	10	No Comment	2696
09/01/2005	09/30/2005	FLAT	30	No Comment	2666
09/01/2005	09/30/2005	STAT	10	No Comment	2656
09/01/2005	09/30/2005	WORK	6	No Comment	2650
10/01/2005	10/31/2005	FLAT	31	No Comment	2619
10/01/2005	10/31/2005	STAT	10	No Comment	2609
10/01/2005	10/31/2005	WORK	8	No Comment	2603
11/01/2005	11/30/2005	FLAT	30	No Comment	2573
11/01/2005	11/30/2005	STAT	10	No Comment	2563
11/01/2005	11/30/2005	WORK	8	No Comment	2555
12/01/2005	12/31/2005	FLAT	31	No Comment	2524
12/01/2005	12/31/2005	STAT	10	No Comment	2514
12/01/2005	12/31/2005	WORK	10	No Comment	2504
01/01/2006	01/31/2006	FLAT	31	No Comment	2473
01/01/2006	01/31/2006	STAT	10	No Comment	2463
01/01/2006	01/31/2006	WORK	10	No Comment	2453
02/01/2006	02/28/2006	FLAT	28	No Comment	2425
02/01/2006	02/28/2006	MR_CP_SS	15	No Comment	2410
02/01/2006	02/28/2006	STAT	10	No Comment	2400
02/01/2006	02/28/2006	WORK	10	No Comment	2390
03/01/2006	03/31/2006	FLAT	31	No Comment	2359
03/01/2006	03/31/2006	STAT	10	No Comment	2349
03/01/2006	03/31/2006	WORK	10	No Comment	2339

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:41:41 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 5 Count: 2

Current Earned Expiration Date:

Case #	Expiration Dt	IC	Relig Dt	Max Term	Days Owed	PED	PEXD	Status
166483	04/16/2005	0		0y 96m 0d	2922	04/15/2008	01/15/2009	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					2334
04/01/2006	04/05/2006	FLAT	5	No Comment	2332
04/01/2006	04/05/2006	STAT	2	No Comment	2313
04/01/2006	04/30/2006	WORK	19	No Comment	2288
04/06/2006	04/30/2006	FLAT	25	No Comment	2280
04/06/2006	04/30/2006	STAT	8	No Comment	2249
05/01/2006	05/31/2006	FLAT	31	No Comment	2239
05/01/2006	05/31/2006	STAT	10	No Comment	2219
05/01/2006	05/31/2006	WORK	20	No Comment	2189
06/01/2006	06/30/2006	FLAT	30	No Comment	2179
06/01/2006	06/30/2006	STAT	10	No Comment	2159
06/01/2006	06/30/2006	WORK	20	No Comment	2128
07/01/2006	07/31/2006	FLAT	31	No Comment	2118
07/01/2006	07/31/2006	STAT	10	No Comment	2098
07/01/2006	07/31/2006	WORK	20	No Comment	2067
08/01/2006	08/31/2006	FLAT	31	No Comment	2014
08/01/2006	08/31/2006	MR_SV_MS	53	Meritorious Service (Fire Credits, Heroism etc..)	2004
08/01/2006	08/31/2006	STAT	10	No Comment	1984
08/01/2006	08/31/2006	WORK	20	No Comment	1954
09/01/2006	09/30/2006	FLAT	30	No Comment	1944
09/01/2006	09/30/2006	STAT	10	No Comment	1924
09/01/2006	09/30/2006	WORK	20	No Comment	1893
10/01/2006	10/31/2006	FLAT	31	No Comment	1848
10/01/2006	10/31/2006	MR_SV_MS	45	MERITORIOUS SERVICE CREDITS-SSCC AUGUST FIRE	1838
10/01/2006	10/31/2006	STAT	10	No Comment	1818
10/01/2006	10/31/2006	WORK	20	No Comment	1788
11/01/2006	11/30/2006	FLAT	30	No Comment	1778
11/01/2006	11/30/2006	STAT	10	No Comment	1758
11/01/2006	11/30/2006	WORK	20	No Comment	1727
12/01/2006	12/31/2006	FLAT	31	No Comment	1717
12/01/2006	12/31/2006	STAT	10	No Comment	1697
12/01/2006	12/31/2006	WORK	20	No Comment	1666
01/01/2007	01/31/2007	FLAT	31	No Comment	1656
01/01/2007	01/31/2007	STAT	10	No Comment	1636
01/01/2007	01/31/2007	WORK	20	No Comment	1608
02/01/2007	02/28/2007	FLAT	28	No Comment	1593
02/01/2007	02/28/2007	MR_CP_AM	15	MERITORIOUS SERVICE CREDITS-SSCC ANGER	1583
02/01/2007	02/28/2007	STAT	10	No Comment	1563
02/01/2007	02/28/2007	WORK	20	No Comment	1532
03/01/2007	03/31/2007	FLAT	31	No Comment	1522
03/01/2007	03/31/2007	STAT	10	No Comment	1502
03/01/2007	03/31/2007	WORK	20	No Comment	1472
04/01/2007	04/30/2007	FLAT	30	No Comment	1462
04/01/2007	04/30/2007	STAT	10	No Comment	

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

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Run Date: Tue Jun 28 11:41:41 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 5

Count: 2

Current Earned Expiration Date:

ID	Sentence Dt	IC	Reim Id	MAX Term	Days Owed	PEX	PEXP	Status
166483	04/16/2005	0		0y 86m 0d	2922	04/15/2008	01/15/2009	DCS

From Date	To Date	Adjust Code	Actual Days	Comments	Days Remaining
					1442
04/01/2007	04/30/2007	WORK	20	No Comment	1411
05/01/2007	05/31/2007	FLAT	31	No Comment	1401
05/01/2007	05/31/2007	STAT	10	No Comment	1381
05/01/2007	05/31/2007	WORK	20	No Comment	1351
06/01/2007	06/30/2007	FLAT	30	No Comment	1341
06/01/2007	06/30/2007	STAT	10	No Comment	1321
06/01/2007	06/30/2007	WORK	20	No Comment	1290
07/01/2007	07/31/2007	FLAT	31	No Comment	1270
07/01/2007	07/31/2007	STAT	20	No Comment	1250
07/01/2007	07/31/2007	WORK	20	No Comment	1219
08/01/2007	08/31/2007	FLAT	31	No Comment	1199
08/01/2007	08/31/2007	STAT	20	No Comment	1188
08/01/2007	08/31/2007	WORK	11	No Comment	1173
08/02/2007	08/08/2007	MRT_ADJ	15	SSCC PARENTING ADOLESCENTS PHASE II	1143
09/01/2007	09/30/2007	FLAT	30	No Comment	1123
09/01/2007	09/30/2007	STAT	20	No Comment	1108
09/01/2007	09/30/2007	WORK	15	No Comment	1077
10/01/2007	10/31/2007	FLAT	31	No Comment	1057
10/01/2007	10/31/2007	STAT	20	No Comment	1037
10/01/2007	10/31/2007	WORK	20	No Comment	1007
11/01/2007	11/30/2007	FLAT	30	No Comment	987
11/01/2007	11/30/2007	STAT	20	No Comment	987
11/01/2007	11/30/2007	WORK	20	No Comment	936
12/01/2007	12/31/2007	FLAT	31	No Comment	916
12/01/2007	12/31/2007	STAT	20	No Comment	896
12/01/2007	12/31/2007	WORK	20	No Comment	865
01/01/2008	01/31/2008	FLAT	31	No Comment	845
01/01/2008	01/31/2008	STAT	20	No Comment	825
01/01/2008	01/31/2008	WORK	20	No Comment	796
02/01/2008	02/29/2008	FLAT	29	No Comment	776
02/01/2008	02/29/2008	STAT	20	No Comment	756
02/01/2008	02/29/2008	WORK	20	No Comment	725
03/01/2008	03/31/2008	FLAT	31	No Comment	705
03/01/2008	03/31/2008	STAT	20	No Comment	685
03/01/2008	03/31/2008	WORK	20	No Comment	655
04/01/2008	04/30/2008	FLAT	30	No Comment	635
04/01/2008	04/30/2008	STAT	20	No Comment	615
04/01/2008	04/30/2008	WORK	20	No Comment	584
05/01/2008	05/31/2008	FLAT	31	No Comment	564
05/01/2008	05/31/2008	STAT	20	No Comment	544
05/01/2008	05/31/2008	WORK	20	No Comment	529
05/14/2008	05/14/2008	MRT_ADJ	15	SSCC VICTIMS AWARENESS	499
06/01/2008	06/30/2008	FLAT	30	No Comment	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:41:41 PDT 2018

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 5

Count: 2

Current Earned Expiration Date:

Case	Sentence Dt	IC	Retro Dt	MO & Term	Days Owed	PEX	PEXD	Status
166483	04/16/2005	0		0y 96m 0d	2922	04/15/2008	01/15/2009	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					479
06/01/2008	06/30/2008	STAT	20	No Comment	459
06/01/2008	06/30/2008	WORK	20	No Comment	428
07/01/2008	07/31/2008	FLAT	31	No Comment	408
07/01/2008	07/31/2008	STAT	20	No Comment	388
07/01/2008	07/31/2008	WORK	20	No Comment	357
08/01/2008	08/31/2008	FLAT	31	No Comment	337
08/01/2008	08/31/2008	STAT	20	No Comment	317
08/01/2008	08/31/2008	WORK	20	No Comment	287
09/01/2008	09/30/2008	FLAT	30	No Comment	267
09/01/2008	09/30/2008	STAT	20	No Comment	247
09/01/2008	09/30/2008	WORK	20	No Comment	216
10/01/2008	10/31/2008	FLAT	31	No Comment	196
10/01/2008	10/31/2008	STAT	20	No Comment	176
10/01/2008	10/31/2008	WORK	20	No Comment	146
11/01/2008	11/30/2008	FLAT	30	No Comment	126
11/01/2008	11/30/2008	STAT	20	No Comment	106
11/01/2008	11/30/2008	WORK	20	No Comment	75
12/01/2008	12/31/2008	FLAT	31	No Comment	55
12/01/2008	12/31/2008	STAT	20	No Comment	35
12/01/2008	12/31/2008	WORK	20	No Comment	20
01/01/2009	01/15/2009	FLAT	15	No Comment	10
01/01/2009	01/15/2009	STAT	10	No Comment	0
01/01/2009	01/19/2009	WORK	10	No Comment	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:41:41 PDT 2016



State of Nevada
Department of Corrections
Credit History by Sentence

MAX Term

Sentence: 1

Count: 3

Offender: WILLIAMS, JESSICA - 0000068716

Current Earned Expiration Date:

Case #	Sentence Dt	JC	Retro Dt	MAX Term	Days Credit	PEXD	PEYD	Status
166483	01/16/2009	0		0y 98m 0d	2922	01/15/2012	01/18/2013	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					2911
01/01/2009	01/19/2009	WORK	11	No Comment	2895
01/16/2009	01/31/2009	FLAT	16	No Comment	2884
01/16/2009	01/31/2009	STAT	11	No Comment	2866
02/01/2009	02/28/2009	FLAT	28	No Comment	2836
02/01/2009	02/28/2009	STAT	20	No Comment	2816
02/01/2009	02/28/2009	WORK	20	No Comment	2806
03/01/2009	03/10/2009	FLAT	10	No Comment	2799
03/01/2009	03/10/2009	STAT	7	No Comment	2799
03/01/2009	03/31/2009	WORK	0	No Comment	2778
03/11/2009	03/31/2009	FLAT	21	No Comment	2765
03/11/2009	03/31/2009	STAT	13	No Comment	2735
04/01/2009	04/30/2009	FLAT	30	No Comment	2715
04/01/2009	04/30/2009	STAT	20	No Comment	2715
04/01/2009	04/30/2009	WORK	0	No Comment	2684
05/01/2009	05/31/2009	FLAT	31	No Comment	2664
05/01/2009	05/31/2009	STAT	20	No Comment	2654
05/01/2009	05/31/2009	WORK	10	EDUCATION	2624
06/01/2009	06/30/2009	FLAT	30	No Comment	2604
06/01/2009	06/30/2009	STAT	20	No Comment	2604
06/01/2009	06/30/2009	WORK	0	No Comment	2589
07/01/2009	07/15/2009	FLAT	15	No Comment	2579
07/01/2009	07/15/2009	STAT	10	No Comment	2579
07/01/2009	07/31/2009	WORK	0	No Comment	2563
07/16/2009	07/31/2009	FLAT	16	No Comment	2553
07/16/2009	07/31/2009	STAT	10	No Comment	2522
08/01/2009	08/31/2009	FLAT	31	No Comment	2502
08/01/2009	08/31/2009	STAT	20	No Comment	2493
08/01/2009	08/31/2009	WORK	9	No Comment	2463
09/01/2009	09/30/2009	FLAT	30	No Comment	2443
09/01/2009	09/30/2009	STAT	20	No Comment	2423
09/01/2009	09/30/2009	WORK	20	No Comment	2392
10/01/2009	10/31/2009	FLAT	31	No Comment	2372
10/01/2009	10/31/2009	STAT	20	No Comment	2352
10/01/2009	10/31/2009	WORK	20	No Comment	2322
11/01/2009	11/30/2009	FLAT	30	No Comment	2302
11/01/2009	11/30/2009	STAT	20	No Comment	2282
11/01/2009	11/30/2009	WORK	20	No Comment	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:42:47 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 1

Count: 3

Current Earned Expiration Date:

Case #	Sequence ID	IC	Reim. Dt	MAX Term	Days Owed	PEX	PEX D	Status
166483	01/16/2009	0		0y 96m 0d	2922	01/15/2012	01/18/2013	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					2268
12/01/2009	12/14/2009	FLAT	14	No Comment	2258
12/01/2009	12/14/2009	STAT	10	No Comment	2247
12/01/2009	12/31/2009	WORK	11	WGT @ JCC 12/09	2230
12/15/2009	12/31/2009	FLAT	17	No Comment	2220
12/15/2009	12/31/2009	STAT	10	No Comment	2205
12/22/2009	12/24/2009	MR_OP_CTC	15	JCC COMMIT TO CH PH I	2174
01/01/2010	01/31/2010	FLAT	31	No Comment	2154
01/01/2010	01/31/2010	STAT	20	No Comment	2154
01/01/2010	01/31/2010	WORK	0	No Comment	2126
02/01/2010	02/28/2010	FLAT	28	No Comment	2106
02/01/2010	02/28/2010	STAT	20	No Comment	2106
02/01/2010	02/28/2010	WORK	0	No Comment	2075
03/01/2010	03/31/2010	FLAT	31	No Comment	2055
03/01/2010	03/31/2010	STAT	20	No Comment	2055
03/01/2010	03/31/2010	WORK	0	No Comment	2025
04/01/2010	04/30/2010	FLAT	30	No Comment	2005
04/01/2010	04/30/2010	STAT	20	No Comment	1995
04/01/2010	04/30/2010	WORK	10	No Comment	1964
05/01/2010	05/31/2010	FLAT	31	No Comment	1944
05/01/2010	05/31/2010	STAT	20	No Comment	1934
05/01/2010	05/31/2010	WORK	10	No Comment	1904
06/01/2010	06/30/2010	FLAT	30	No Comment	1884
06/01/2010	06/30/2010	STAT	20	No Comment	1874
06/01/2010	06/30/2010	WORK	10	No Comment	1843
07/01/2010	07/31/2010	FLAT	31	No Comment	1823
07/01/2010	07/31/2010	STAT	20	No Comment	1823
07/01/2010	07/31/2010	WORK	0	Projected Credits Not Earned on 02/01/2011 14:18:27	1792
08/01/2010	08/31/2010	FLAT	31	No Comment	1772
08/01/2010	08/31/2010	STAT	20	No Comment	1762
08/01/2010	08/31/2010	WORK	10	09/14/2010 Education Worker - 0 	1732
09/01/2010	09/30/2010	FLAT	30	No Comment	1712
09/01/2010	09/30/2010	STAT	20	No Comment	1702
09/01/2010	09/30/2010	WORK	10	12/07/2010 Education Worker - 10	1671
10/01/2010	10/31/2010	FLAT	31	No Comment	1651
10/01/2010	10/31/2010	STAT	20	No Comment	1641
10/01/2010	10/31/2010	WORK	10	12/07/2010 Education Worker - 10	1611
11/01/2010	11/30/2010	FLAT	30	No Comment	1591
11/01/2010	11/30/2010	STAT	20	No Comment	1581
11/01/2010	11/30/2010	WORK	10	12/06/2010 Education Worker - 10	1550
12/01/2010	12/31/2010	FLAT	31	No Comment	1530
12/01/2010	12/31/2010	STAT	20	No Comment	1520
12/01/2010	12/31/2010	WORK	10	01/05/2011 Education Worker - 10	1489
01/01/2011	01/31/2011	FLAT	31	No Comment	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:42:47 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 1

Count: 3

Current Earned Expiration Date:

Case #	Sentence Dt	IC	Relo Dt	MAX Term	Days Cred	PE/D	PE/D	Status
166483	01/16/2009	0		0y 98m 0d	2922	01/15/2012	01/18/2013	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					1469
01/01/2011	01/31/2011	STAT	20	No Comment	1469
01/01/2011	01/31/2011	WORK	0	02/04/2011 Education Worker - 0	1441
02/01/2011	02/28/2011	FLAT	28	No Comment	1421
02/01/2011	02/28/2011	STAT	20	No Comment	1421
02/01/2011	02/28/2011	WORK	0	Projected Credits Not Earned on 03/11/2011 01:00:36	1390
03/01/2011	03/31/2011	FLAT	31	No Comment	1370
03/01/2011	03/31/2011	STAT	20	No Comment	1370
03/01/2011	03/31/2011	WORK	0	Projected Credits Not Earned on 04/11/2011 01:00:49	1340
04/01/2011	04/30/2011	FLAT	30	No Comment	1320
04/01/2011	04/30/2011	STAT	20	No Comment	1320
04/01/2011	04/30/2011	WORK	0	Projected Credits Not Earned on 05/11/2011 01:01:07	1289
05/01/2011	05/31/2011	FLAT	31	No Comment	1269
05/01/2011	05/31/2011	STAT	20	No Comment	1269
05/01/2011	05/31/2011	WORK	0	Projected Credits Not Earned on 06/11/2011 01:00:39	1239
06/01/2011	06/30/2011	FLAT	30	No Comment	1219
06/01/2011	06/30/2011	STAT	20	No Comment	1219
06/01/2011	06/30/2011	WORK	0	Projected Credits Not Earned on 07/11/2011 01:00:44	1208
07/01/2011	07/11/2011	FLAT	11	No Comment	1200
07/01/2011	07/11/2011	STAT	8	No Comment	1198
07/01/2011	07/31/2011	WORK	2	Work Credits Override set by System on 08/11/2011 01:	1178
07/12/2011	07/31/2011	FLAT	20	No Comment	1166
07/12/2011	07/31/2011	STAT	12	No Comment	1135
08/01/2011	08/31/2011	FLAT	31	No Comment	1115
08/01/2011	08/31/2011	STAT	20	No Comment	1096
08/01/2011	08/31/2011	WORK	19	Work Credits Override set by System on 09/11/2011 01:	1066
09/01/2011	09/30/2011	FLAT	30	No Comment	1048
09/01/2011	09/30/2011	STAT	20	No Comment	1026
09/01/2011	09/30/2011	WORK	20	Work Credits Override set by System on 10/11/2011 01:	995
10/01/2011	10/31/2011	FLAT	31	No Comment	975
10/01/2011	10/31/2011	STAT	20	No Comment	955
10/01/2011	10/31/2011	WORK	20	Work Credits Override set by System on 11/11/2011 01:	925
11/01/2011	11/30/2011	FLAT	30	No Comment	905
11/01/2011	11/30/2011	STAT	20	No Comment	885
11/01/2011	11/30/2011	WORK	20	Work Credits Override set by System on 12/11/2011 01:	854
12/01/2011	12/31/2011	FLAT	31	No Comment	834
12/01/2011	12/31/2011	STAT	20	No Comment	814
12/01/2011	12/31/2011	WORK	20	Work Credits Override set by System on 01/11/2012 01:	796
01/01/2012	01/18/2012	FLAT	18	No Comment	784
01/01/2012	01/18/2012	STAT	12	No Comment	767
01/01/2012	01/31/2012	WORK	17	Work Credits Override set by System on 02/11/2012 01:	754
01/19/2012	01/31/2012	FLAT	13	No Comment	746
01/19/2012	01/31/2012	STAT	8	No Comment	717
02/01/2012	02/29/2012	FLAT	29	No Comment	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:42:47 PDT 2011

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 1

Count: 3

Current Earned Expiration Date:

Case	Sentence Pl	JC	Ratio Pl	Max Term	Days Over	PEO	PEX	Status
166483	01/16/2009	0	-	0y 96m 0d	2822	01/15/2012	01/18/2013	DCS

From Date	To Date	Adjust Code	Adjust Day	Comments	Days Remaining
					697
02/01/2012	02/29/2012	STAT	20	No Comment	687
02/01/2012	02/29/2012	WORK	10	Work Credits Override set by System on 03/11/2012 01:	656
03/01/2012	03/31/2012	FLAT	31	No Comment	636
03/01/2012	03/31/2012	STAT	20	No Comment	626
03/01/2012	03/31/2012	WORK	10	Work Credits Override set by System on 04/11/2012 01:	596
04/01/2012	04/30/2012	FLAT	30	No Comment	576
04/01/2012	04/30/2012	STAT	20	No Comment	566
04/01/2012	04/30/2012	WORK	10	05/22/2012 Culinary - 18	535
05/01/2012	05/31/2012	FLAT	31	No Comment	515
05/01/2012	05/31/2012	STAT	20	No Comment	506
05/01/2012	05/31/2012	WORK	9	Work Credits Override set by System on 06/11/2012 01:	476
06/01/2012	06/30/2012	FLAT	30	No Comment	456
06/01/2012	06/30/2012	STAT	20	No Comment	446
06/01/2012	06/30/2012	WORK	10	Projected Credits not Earned on 07/11/2012 01:01:	415
07/01/2012	07/31/2012	FLAT	31	No Comment	395
07/01/2012	07/31/2012	STAT	20	No Comment	387
07/01/2012	07/31/2012	WORK	8	08/02/2012 Porter - 8	373
08/01/2012	08/14/2012	FLAT	14	No Comment	358
08/01/2012	08/01/2012	MR_CP_EM	15	Emotions Mgt/ SOS Help for Emotions	348
08/01/2012	08/14/2012	STAT	10	No Comment	333
08/01/2012	08/31/2012	WORK	15	Work Credits Override set by System on 09/11/2012 01:	316
08/15/2012	08/31/2012	FLAT	17	No Comment	306
08/15/2012	08/31/2012	STAT	10	No Comment	276
09/01/2012	09/30/2012	FLAT	30	No Comment	256
09/01/2012	09/30/2012	STAT	20	No Comment	236
09/01/2012	09/30/2012	WORK	20	Work Credits Override set by System on 10/11/2012 03:	205
10/01/2012	10/31/2012	FLAT	31	No Comment	185
10/01/2012	10/31/2012	STAT	20	No Comment	165
10/01/2012	10/31/2012	WORK	20	Work Credits Override set by System on 11/11/2012 03:	135
11/01/2012	11/30/2012	FLAT	30	No Comment	115
11/01/2012	11/30/2012	STAT	20	No Comment	95
11/01/2012	11/30/2012	WORK	20	Work Credits Override set by System on 12/11/2012 03:	64
12/01/2012	12/31/2012	FLAT	31	No Comment	44
12/01/2012	12/31/2012	STAT	20	No Comment	42
12/01/2012	12/28/2012	WORK	2	Work Credits Override set by System on 01/11/2013 03:	24
01/01/2013	01/18/2013	FLAT	18	No Comment	12
01/01/2013	01/18/2013	STAT	12	No Comment	0
01/01/2013	01/31/2013	WORK	12	Work Credits Override set by System on 02/11/2013 03:	

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OSM Report Name: CreditHistBySentRpt

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Run Date: Tue Jun 28 11:42:47 PDT 2016



State of Nevada
Department of Corrections
Credit History by Sentence

MAX Term

Sentence: 2 Count: 4

Offender: WILLIAMS, JESSICA - 0000068716

Current Earned Expiration Date:

Case	Sentence D	IC	Rate D	MAX Term	Days Credit	PEX	PEAD	Status
186483	01/19/2013	0		0y 96m 0d	2922	01/18/2016	05/05/2016	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					2907
01/09/2012	12/20/2013	MR_CP_PAR	15	Parenting	2898
01/01/2013	01/31/2013	WORK	9	Work Credits Override set by System on 02/11/2013 03:	2883
01/07/2013	01/07/2013	MR_CP_RS	15	Relationship Skills	2870
01/19/2013	01/31/2013	FLAT	13	No Comment	2861
01/19/2013	01/31/2013	STAT	9	No Comment	2833
02/01/2013	02/28/2013	FLAT	28	No Comment	2813
02/01/2013	02/28/2013	STAT	20	No Comment	2793
02/01/2013	02/28/2013	WORK	20	Work Credits Override set by System on 03/11/2013 03:	2762
03/01/2013	03/31/2013	FLAT	31	No Comment	2742
03/01/2013	03/31/2013	STAT	20	No Comment	2722
03/01/2013	03/31/2013	WORK	20	Work Credits Override set by System on 04/11/2013 03:	2692
04/01/2013	04/30/2013	FLAT	30	No Comment	2672
04/01/2013	04/30/2013	STAT	20	No Comment	2652
04/01/2013	04/30/2013	WORK	20	Work Credits Override set by System on 05/11/2013 02:	2621
05/01/2013	05/31/2013	FLAT	31	No Comment	2601
05/01/2013	05/31/2013	STAT	20	No Comment	2581
05/01/2013	05/31/2013	WORK	20	Work Credits Override set by System on 06/11/2013 02:	2551
06/01/2013	06/30/2013	FLAT	30	No Comment	2531
06/01/2013	06/30/2013	STAT	20	No Comment	2511
06/01/2013	06/30/2013	WORK	20	Work Credits Override set by System on 07/11/2013 02:	2480
07/01/2013	07/31/2013	FLAT	31	No Comment	2460
07/01/2013	07/31/2013	STAT	20	No Comment	2440
07/01/2013	07/31/2013	WORK	20	Work Credits Override set by System on 08/11/2013 02:	2409
08/01/2013	08/31/2013	FLAT	31	No Comment	2389
08/01/2013	08/31/2013	STAT	20	No Comment	2369
08/01/2013	08/31/2013	WORK	20	Work Credits Override set by System on 09/11/2013 02:	2354
08/19/2013	08/19/2013	MR_CP_HH	15	Houses Of Healing (Re-Entry)	2324
09/01/2013	09/30/2013	FLAT	30	No Comment	2304
09/01/2013	09/30/2013	STAT	20	No Comment	2284
09/01/2013	09/30/2013	WORK	20	Work Credits Override set by System on 10/11/2013 02:	2253
10/01/2013	10/31/2013	FLAT	31	No Comment	2233
10/01/2013	10/31/2013	STAT	20	No Comment	2213
10/01/2013	10/31/2013	WORK	20	Work Credits Override set by System on 11/11/2013 02:	2183
11/01/2013	11/30/2013	FLAT	30	No Comment	2163
11/01/2013	11/30/2013	STAT	20	No Comment	2143
11/01/2013	11/30/2013	WORK	20	Work Credits Override set by System on 12/11/2013 02:	2128
11/22/2013	01/03/2014	MR_CP_CTC	15	Commitment to Change Core Program Phase II Volumes	

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Run Date: Tue Jun 28 11:13:43 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 2

Count: 4

Current Earned Expiration Date:

Offender ID	Sentence ID	IC	Ratio ID	MAX Earn	Days Earned	PEX	PEX/D	Status
166483	01/19/2013	0		0y 96m 0d	2922	01/18/2018	05/05/2016	DCS

From Date	To Date	Adjust Code	Product Day	Comments	Days Remaining
					2097
12/01/2013	12/31/2013	FLAT	31	No Comment	2077
12/01/2013	12/31/2013	STAT	20	No Comment	2057
12/01/2013	12/31/2013	WORK	20	Work Credits Override set by System on 01/11/2014 02:	2042
12/11/2013	12/11/2013	MR_CP_SS	15	Seeking Safety	2011
01/01/2014	01/31/2014	FLAT	31	No Comment	1991
01/01/2014	01/31/2014	STAT	20	No Comment	1971
01/01/2014	01/31/2014	WORK	20	Work Credits Override set by System on 02/11/2014 02:	1956
01/03/2014	02/21/2014	MR_CP_CO	15	Communications	1928
02/01/2014	02/28/2014	FLAT	28	No Comment	1908
02/01/2014	02/28/2014	STAT	20	No Comment	1888
02/01/2014	02/28/2014	WORK	20	Work Credits Override set by System on 03/11/2014 02:	1857
03/01/2014	03/31/2014	FLAT	31	No Comment	1837
03/01/2014	03/31/2014	STAT	20	No Comment	1817
03/01/2014	03/31/2014	WORK	20	Work Credits Override set by System on 04/11/2014 02:	1802
03/20/2014	04/17/2014	MR_CP_CTC	15	Commitment to Change Core Program Phase III	1772
04/01/2014	04/30/2014	FLAT	30	No Comment	1752
04/01/2014	04/30/2014	STAT	20	No Comment	1732
04/01/2014	04/30/2014	WORK	20	Work Credits Override set by System on 05/11/2014 02:	1701
05/01/2014	05/31/2014	FLAT	31	No Comment	1681
05/01/2014	05/31/2014	STAT	20	No Comment	1661
05/01/2014	05/31/2014	WORK	20	Work Credits Override set by System on 06/11/2014 02:	1631
06/01/2014	06/30/2014	FLAT	30	No Comment	1611
06/01/2014	06/30/2014	STAT	20	No Comment	1591
06/01/2014	06/30/2014	WORK	20	Work Credits Override set by System on 07/11/2014 02:	1560
07/01/2014	07/31/2014	FLAT	31	No Comment	1540
07/01/2014	07/31/2014	STAT	20	No Comment	1520
07/01/2014	07/31/2014	WORK	20	Work Credits Override set by System on 08/11/2014 02:	1489
08/01/2014	08/31/2014	FLAT	31	No Comment	1459
08/01/2014	08/31/2014	MR_CP_NB	30	New Beginnings 06/2014 to 08/2014	1439
08/01/2014	08/31/2014	STAT	20	No Comment	1419
08/01/2014	08/31/2014	WORK	20	Work Credits Override set by System on 09/11/2014 02:	1389
09/01/2014	09/30/2014	FLAT	30	No Comment	1369
09/01/2014	09/30/2014	STAT	20	No Comment	1349
09/01/2014	09/30/2014	WORK	20	No Comment	1318
10/01/2014	10/31/2014	FLAT	31	No Comment	1298
10/01/2014	10/31/2014	STAT	20	No Comment	1278
10/01/2014	10/31/2014	WORK	20	No Comment	1248
11/01/2014	11/30/2014	FLAT	30	No Comment	1228
11/01/2014	11/30/2014	STAT	20	No Comment	1208
11/01/2014	11/30/2014	WORK	20	No Comment	1177
12/01/2014	12/31/2014	FLAT	31	No Comment	1157
12/01/2014	12/31/2014	STAT	20	No Comment	1137
12/01/2014	12/31/2014	WORK	20	No Comment	

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Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 2

Count: 4

Current Earned Expiration Date:

Case No.	Sentence Dt	IC	Rate Dt	MAX Term	Days Credit	PEXD	PEAD	Status
166483	01/19/2013	0		0y 96m 0d	2922	01/18/2016	05/05/2016	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2015	01/31/2015	FLAT	31	No Comment	1106
01/01/2015	01/31/2015	STAT	20	No Comment	1086
01/01/2015	01/31/2015	WORK	20	No Comment	1066
02/01/2015	02/28/2015	FLAT	28	No Comment	1038
02/01/2015	02/28/2015	STAT	20	No Comment	1018
02/01/2015	02/28/2015	WORK	20	No Comment	998
03/01/2015	03/31/2015	FLAT	31	No Comment	967
03/01/2015	03/31/2015	STAT	20	No Comment	947
03/01/2015	03/31/2015	WORK	20	No Comment	927
04/01/2015	04/30/2015	FLAT	30	No Comment	897
04/01/2015	04/30/2015	STAT	20	No Comment	877
04/01/2015	04/30/2015	WORK	20	No Comment	857
05/01/2015	05/31/2015	FLAT	31	No Comment	826
05/01/2015	05/31/2015	STAT	20	No Comment	806
05/01/2015	05/31/2015	WORK	20	No Comment	786
06/01/2015	06/30/2015	FLAT	30	No Comment	756
06/01/2015	06/30/2015	STAT	20	No Comment	736
06/01/2015	06/30/2015	WORK	20	No Comment	716
07/01/2015	07/31/2015	FLAT	31	No Comment	685
07/01/2015	07/31/2015	STAT	20	No Comment	665
07/01/2015	07/31/2015	WORK	20	No Comment	645
08/01/2015	08/31/2015	FLAT	31	No Comment	614
08/01/2015	08/31/2015	STAT	20	No Comment	594
08/01/2015	08/31/2015	WORK	20	No Comment	574
09/01/2015	09/30/2015	FLAT	30	No Comment	544
09/01/2015	09/30/2015	STAT	20	No Comment	524
09/01/2015	09/30/2015	WORK	20	No Comment	504
10/01/2015	10/31/2015	FLAT	31	No Comment	473
10/01/2015	10/31/2015	STAT	20	No Comment	453
10/01/2015	10/31/2015	WORK	10	No Comment	443
11/01/2015	11/30/2015	FLAT	30	No Comment	413
11/01/2015	11/30/2015	STAT	20	No Comment	393
11/01/2015	11/30/2015	WORK	20	No Comment	373
11/12/2015	01/21/2016	MR_CP_THK	30	Thinking for Change	343
12/01/2015	12/31/2015	FLAT	31	No Comment	312
12/01/2015	12/31/2015	STAT	20	No Comment	292
12/01/2015	12/31/2015	WORK	20	Reduction for not working	272
01/01/2016	01/17/2016	FLAT	17	No Comment	255
01/01/2016	01/17/2016	STAT	11	No Comment	244
01/01/2016	01/31/2016	WORK	20	Reduction for not working	224
01/18/2016	01/31/2016	FLAT	14	No Comment	210
01/18/2016	01/31/2016	STAT	9	No Comment	201
02/01/2016	02/29/2016	FLAT	28	No Comment	172

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Run Date: Tue Jun 28 11:13:43 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 2

Count: 4

Current Earned Expiration Date:

ID#	Sentence Dt	IC	Ratio Dt	Min Term	Days Credit	PEO	EO AD	Grades
166483	01/19/2013	0		0y 96m 0d	2922	01/18/2016	05/05/2016	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
					152
02/01/2016	02/29/2016	STAT	20	No Comment	132
02/01/2016	02/29/2016	WORK	20	No Comment	101
03/01/2016	03/31/2016	FLAT	31	No Comment	81
03/01/2016	03/31/2016	STAT	20	No Comment	61
03/01/2016	03/31/2016	WORK	20	No Comment	31
04/01/2016	04/30/2016	FLAT	30	No Comment	11
04/01/2016	04/30/2016	STAT	20	No Comment	11
04/01/2016	04/30/2016	WORK	0	Reduction for not working	6
05/01/2016	05/05/2016	FLAT	5	No Comment	3
05/01/2016	05/05/2016	STAT	3	No Comment	0
05/01/2016	05/05/2016	WORK	3	No Comment	

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State of Nevada
Department of Corrections
 Credit History by Sentence

MAX Term

Offender: WILLIAMS, JESSICA - 0000068716					Sentence: 3		Count: 5	
					Current Earned Expiration Date: 07/24/2023			
Case #	Sentence Dt	JO	Relro Dt	MAX Term	Days Over	PEO	PEXD	Status
166483	01/19/2016	0		0y 96m 0d	2922	01/18/2019	07/03/2019	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2016	01/31/2016	WORK	9	Reduction for not working	2913
01/19/2016	01/31/2016	FLAT	13	No Comment	2900
01/19/2016	01/31/2016	STAT	9	No Comment	2891
02/01/2016	02/29/2016	FLAT	29	No Comment	2862
02/01/2016	02/29/2016	STAT	20	No Comment	2842
02/01/2016	02/29/2016	WORK	20	No Comment	2822
03/01/2016	03/31/2016	FLAT	31	No Comment	2791
03/01/2016	03/31/2016	STAT	20	No Comment	2771
03/01/2016	03/31/2016	WORK	20	No Comment	2751
04/01/2016	04/30/2016	FLAT	30	No Comment	2721
04/01/2016	04/30/2016	STAT	20	No Comment	2701
04/01/2016	04/30/2016	WORK	20	Reduction for not working	2681
05/01/2016	05/31/2016	FLAT	31	No Comment	2650
05/01/2016	05/31/2016	STAT	20	No Comment	2630
05/01/2016	05/31/2016	WORK	20	No Comment	2610
06/01/2016	06/30/2016	FLAT	30	No Comment	2580
06/01/2016	06/30/2016	STAT	20	No Comment	2560
06/01/2016	06/30/2016	WORK	20	No Comment	2540
07/01/2016	07/31/2016	FLAT	31	No Comment	2509
07/01/2016	07/31/2016	STAT	20	No Comment	2489
07/01/2016	07/31/2016	WORK	20	No Comment	2469
08/01/2016	08/31/2016	FLAT	31	No Comment	2438
08/01/2016	08/31/2016	STAT	20	No Comment	2418
08/01/2016	08/31/2016	WORK	20	No Comment	2398
09/01/2016	09/30/2016	FLAT	30	No Comment	2368
09/01/2016	09/30/2016	STAT	20	No Comment	2348
09/01/2016	09/30/2016	WORK	20	No Comment	2328
10/01/2016	10/31/2016	FLAT	31	No Comment	2297
10/01/2016	10/31/2016	STAT	20	No Comment	2277
10/01/2016	10/31/2016	WORK	20	No Comment	2257
11/01/2016	11/30/2016	FLAT	30	No Comment	2227
11/01/2016	11/30/2016	STAT	20	No Comment	2207
11/01/2016	11/30/2016	WORK	20	No Comment	2187
12/01/2016	12/31/2016	FLAT	31	No Comment	2156
12/01/2016	12/31/2016	STAT	20	No Comment	2136
12/01/2016	12/31/2016	WORK	20	No Comment	2116
01/01/2017	01/31/2017	FLAT	31	No Comment	2085

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Run Date: Tue Jun 28 11:48:15 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 3

Count: 5

Current Earned Expiration Date: 07/24/2023

Case	Sentence Dt	IC	Rate Dt	MAX Term	Days Outd	PEX	REXD	Status
166483	01/19/2016	0		0y 08m 0d	2922	01/18/2019	07/03/2019	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2017	01/31/2017	STAT	20	No Comment	2065
01/01/2017	01/31/2017	WORK	20	No Comment	2045
02/01/2017	02/28/2017	FLAT	28	No Comment	2017
02/01/2017	02/28/2017	STAT	20	No Comment	1997
02/01/2017	02/28/2017	WORK	20	No Comment	1977
03/01/2017	03/31/2017	FLAT	31	No Comment	1946
03/01/2017	03/31/2017	STAT	20	No Comment	1926
03/01/2017	03/31/2017	WORK	20	No Comment	1906
04/01/2017	04/30/2017	FLAT	30	No Comment	1876
04/01/2017	04/30/2017	STAT	20	No Comment	1856
04/01/2017	04/30/2017	WORK	20	No Comment	1836
05/01/2017	05/31/2017	FLAT	31	No Comment	1805
05/01/2017	05/31/2017	STAT	20	No Comment	1785
05/01/2017	05/31/2017	WORK	20	No Comment	1765
06/01/2017	06/30/2017	FLAT	30	No Comment	1735
06/01/2017	06/30/2017	STAT	20	No Comment	1715
06/01/2017	06/30/2017	WORK	20	No Comment	1695
07/01/2017	07/31/2017	FLAT	31	No Comment	1664
07/01/2017	07/31/2017	STAT	20	No Comment	1644
07/01/2017	07/31/2017	WORK	20	No Comment	1624
08/01/2017	08/31/2017	FLAT	31	No Comment	1593
08/01/2017	08/31/2017	STAT	20	No Comment	1573
08/01/2017	08/31/2017	WORK	20	No Comment	1553
09/01/2017	09/30/2017	FLAT	30	No Comment	1523
09/01/2017	09/30/2017	STAT	20	No Comment	1503
09/01/2017	09/30/2017	WORK	20	No Comment	1483
10/01/2017	10/31/2017	FLAT	31	No Comment	1452
10/01/2017	10/31/2017	STAT	20	No Comment	1432
10/01/2017	10/31/2017	WORK	20	No Comment	1412
11/01/2017	11/30/2017	FLAT	30	No Comment	1382
11/01/2017	11/30/2017	STAT	20	No Comment	1362
11/01/2017	11/30/2017	WORK	20	No Comment	1342
12/01/2017	12/31/2017	FLAT	31	No Comment	1311
12/01/2017	12/31/2017	STAT	20	No Comment	1291
12/01/2017	12/31/2017	WORK	20	No Comment	1271
01/01/2018	01/31/2018	FLAT	31	No Comment	1240
01/01/2018	01/31/2018	STAT	20	No Comment	1220
01/01/2018	01/31/2018	WORK	20	No Comment	1200
02/01/2018	02/28/2018	FLAT	28	No Comment	1172
02/01/2018	02/28/2018	STAT	20	No Comment	1152
02/01/2018	02/28/2018	WORK	20	No Comment	1132
03/01/2018	03/31/2018	FLAT	31	No Comment	1101
03/01/2018	03/31/2018	STAT	20	No Comment	1081

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Run Date: Tue Jun 28 11:48:15 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 3

Count: 5

Current Earned Expiration Date: 07/24/2023

Case	Sentence Dt	IC	Pemo Dt	MAX Term	Days Credit	RED	PEAD	Status
166483	01/19/2016	0		0y 98m 0d	2922	01/16/2019	07/03/2019	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2018	03/31/2018	WORK	20	No Comment	1061
04/01/2018	04/30/2018	FLAT	30	No Comment	1031
04/01/2018	04/30/2018	STAT	20	No Comment	1011
04/01/2018	04/30/2018	WORK	20	No Comment	991
05/01/2018	05/31/2018	FLAT	31	No Comment	960
05/01/2018	05/31/2018	STAT	20	No Comment	940
05/01/2018	05/31/2018	WORK	20	No Comment	920
06/01/2018	06/30/2018	FLAT	30	No Comment	890
06/01/2018	06/30/2018	STAT	20	No Comment	870
06/01/2018	06/30/2018	WORK	20	No Comment	850
07/01/2018	07/31/2018	FLAT	31	No Comment	819
07/01/2018	07/31/2018	STAT	20	No Comment	799
07/01/2018	07/31/2018	WORK	20	No Comment	779
08/01/2018	08/31/2018	FLAT	31	No Comment	748
08/01/2018	08/31/2018	STAT	20	No Comment	728
08/01/2018	08/31/2018	WORK	20	No Comment	708
09/01/2018	09/30/2018	FLAT	30	No Comment	678
09/01/2018	09/30/2018	STAT	20	No Comment	658
09/01/2018	09/30/2018	WORK	20	No Comment	638
10/01/2018	10/31/2018	FLAT	31	No Comment	607
10/01/2018	10/31/2018	STAT	20	No Comment	587
10/01/2018	10/31/2018	WORK	20	No Comment	567
11/01/2018	11/30/2018	FLAT	30	No Comment	537
11/01/2018	11/30/2018	STAT	20	No Comment	517
11/01/2018	11/30/2018	WORK	20	No Comment	497
12/01/2018	12/31/2018	FLAT	31	No Comment	466
12/01/2018	12/31/2018	STAT	20	No Comment	446
12/01/2018	12/31/2018	WORK	20	No Comment	426
01/01/2019	01/31/2019	FLAT	31	No Comment	395
01/01/2019	01/31/2019	STAT	20	No Comment	375
01/01/2019	01/31/2019	WORK	20	No Comment	355
02/01/2019	02/28/2019	FLAT	28	No Comment	327
02/01/2019	02/28/2019	STAT	20	No Comment	307
02/01/2019	02/28/2019	WORK	20	No Comment	287
03/01/2019	03/31/2019	FLAT	31	No Comment	256
03/01/2019	03/31/2019	STAT	20	No Comment	236
03/01/2019	03/31/2019	WORK	20	No Comment	216
04/01/2019	04/30/2019	FLAT	30	No Comment	186
04/01/2019	04/30/2019	STAT	20	No Comment	166
04/01/2019	04/30/2019	WORK	20	No Comment	146
05/01/2019	05/31/2019	FLAT	31	No Comment	115
05/01/2019	05/31/2019	STAT	20	No Comment	95
05/01/2019	05/31/2019	WORK	20	No Comment	75

The PEAD is the "Projected Expiration Date", as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

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Run Date: Tue Jun 28 11:48:15 PDT 2016

Offender: WILLIAMS, JESSICA - 0000068716

Sentence: 3

Count: 5

Current Earned Expiration Date: 07/24/2023

Case#	Sentence Dt	IC	Revs Dt	MAX Term	Days Cred	PEX	PEXD	Status
168483	01/19/2016	0		0y 88m 0d	2922	01/18/2019	07/03/2019	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
06/01/2019	06/30/2019	FLAT	30	No Comment	45
06/01/2019	06/30/2019	STAT	20	No Comment	25
06/01/2019	06/30/2019	WORK	20	No Comment	5
07/01/2019	07/03/2019	FLAT	3	No Comment	2
07/01/2019	07/03/2019	STAT	1	No Comment	1
07/01/2019	07/03/2019	WORK	1	No Comment	0

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OSM Report Name: CreditHistBySentRpt

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EXHIBIT 3

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID AUGUST KILLE, SR.,
Appellant,
vs.
JAMES GREG COX,
Respondent.

No. 64480

FILED

SEP 18 2014

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a petition for a writ of mandamus.¹ Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

In his October 12, 2012, petition, appellant claimed that the Nevada Department of Corrections' (NDOC) application of his good-time credits violated his constitutional rights. Given the nature of the relief sought by appellant, we conclude that the district court properly construed the petition as a post-conviction petition for a writ of habeas corpus. See NRS 34.724(2)(c).

Appellant first claimed that NRS 209.4465 was amended in 2007 to only permit credits earned by certain offenders to be applied to

¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

their maximum term and not to the minimum term. Appellant asserted that as applied to him, the 2007 amendments to NRS 209.4465 constitute an ex post facto violation because he was convicted in 2003. Appellant's claim was without merit. "[T]he ex post facto prohibition . . . forbids the imposition of punishment more severe than the punishment assigned by law when the act to be punished occurred." *Weaver v. Graham*, 450 U.S. 24, 30 (1981) (italics omitted); see also *Stevens v. Warden, Nev. State Prison*, 114 Nev. 1217, 1222, 969 P.2d 945, 948 (1998) (discussing that computation of good-time credits on the basis of a law that became effective after the prisoner's offense violates the provision against ex post facto laws if the computation is less favorable to the prisoner).

In 2007, the legislature amended NRS 209.4465 to permit the NDOC to apply credits to certain offenders' minimum term for parole eligibility. See 2007 Nev. Stat., ch. 525, § 5, at 3176-77. However, the legislature did not permit the NDOC to apply credits to the minimum terms of offenders convicted of certain crimes, including sexual offenses. See *id.* (NRS 209.4465(8)). In 2003, appellant was convicted of sexual assault of a minor under 16 and attempted sexual assault of a minor under 16. Therefore, the 2007 amendments to NRS 209.4465 did not apply to appellant. In addition, when appellant was convicted in 2003, existing statutes did not permit the NDOC to apply credits to appellant's minimum terms. See 2003 Nev. Stat., ch. 259, § 13, at 1367-68 (NRS 209.4465); 1995 Nev. Stat., ch. 443, § 235, at 1259-60 (NRS 213.120). Therefore, appellant failed to demonstrate any ex post facto violation in

the application of his good-time credits, and the district court did not err in denying this claim.

Second, appellant claimed that NRS 209.4465(8) violated the Equal Protection Clause because it permits the NDOC to show preferential treatment to certain inmates. This claim was without merit as appellant was not a member of a suspect class, and there is a rational basis for treating more serious offenders differently from less serious offenders when applying credits that accelerate parole eligibility dates. *See Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000) (recognizing that the first step in an equal protection analysis is to determine the level of scrutiny to be applied, that strict scrutiny analysis is only applied in cases involving fundamental rights or suspect classes, and that under a lesser standard of review, legislation will be upheld "if the challenged classification is rationally related to a legitimate governmental interest"); *see also Graziano v. Pataki*, 689 F.3d 110, 117 (2d Cir. 2012) (recognizing that prisoners, whether in the aggregate or specified by offense, are not a suspect class and rational basis test will apply); *Glauner v. Miller*, 184 F.3d 1053, 1054 (9th Cir. 1999) (recognizing that prisoners are not a suspect class and applying rational basis test). Therefore, the district court did not err in denying this claim.

Third, appellant claimed that application of NRS 209.4465 violates the Contract Clause of the United States Constitution, as he asserted that failure to apply credits to his minimum terms violated his guilty plea agreement. Appellant failed to demonstrate that his guilty plea agreement is encompassed by the Contract Clause. Moreover,

appellant failed to demonstrate that application of NRS 209.4465 actually impaired his guilty plea agreement because, as discussed previously, existing law when appellant was convicted did not permit the NDOC to apply credits to appellant's minimum terms. *See U.S. Trust Co. of N.Y. v. New Jersey*, 431 U.S. 1, 21, 25 (1977) (discussing that analysis of a claim involving the Contract Clause requires consideration of whether a law actually impairs a contract and whether that impairment is prohibited by the Constitution). Therefore, the district court did not err in denying this claim.

Fourth, appellant claimed that the NDOC violated the separation-of-powers doctrine by construing NRS 209.4465 to bar appellant from earning credits towards his minimum parole eligibility date. *See Nev. Const. art. 3, § 1* (separating Nevada's government into three separate branches). Appellant's claim was without merit. Governmental agencies may only perform duties where granted the power to do so by the legislature. *Clark Cnty. v. State, Equal Rights Comm'n*, 107 Nev. 489, 492, 813 P.2d 1006, 1007 (1991). The legislature directed the NDOC to only award certain prisoners credits toward their minimum sentences. NRS 209.4465(8). Appellant, due to his convictions for sexual offenses, was not of the type of prisoners eligible to earn credits towards the minimum parole eligibility date. *See id.* Accordingly, the NDOC did not violate the separation-of-powers doctrine by acting as directed by the legislature. Therefore, the district court did not err in denying this claim.

Finally, appellant claimed that NRS 209.4465 violates cruel and unusual punishment principles, his due process rights, the Double

Jeopardy Clause, and unspecified "rights retained by the people." Appellant provided these claims in the form of a list and did not provide any support. Unsupported claims, such as these, are insufficient to demonstrate that a petitioner is entitled to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, the district court did not err in denying these claims.

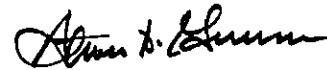
Having concluded that appellant is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Nancy L. Allf, District Judge
David August Kille, Sr.
Attorney General/Las Vegas
Eighth District Court Clerk



CLERK OF THE COURT

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Las Vegas, Nevada 89101
Telephone: (702) 383-1006
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DISTRICT COURT
CLARK COUNTY, NEVADA

WILLIAMS, JESSICA,
Petitioner,

vs.

NEVADA DEPARTMENT OF
CORRECTIONS (NDOC);
JO GENTRY, WARDEN,
(JEAN CONSERVATION CAMP),
Respondent;

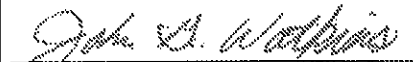
STATE OF NEVADA,
Real Party in Interest.


Case No.: A-16-735072-W
Dept. No.: VII

PETITIONER'S REPLY TO THE STATE'S RESPONSE
TO PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW Petitioner JESSICA WILLIAMS through her counsel, JOHN GLENN
WATKINS, ESQ. and ELLEN J. BEZIAN, ESQ., hereby Replies to the State's Response to
Jessica's Petition for Writ of Habeas Corpus.

Dated this 9th day of July, 2016.


John G. Watkins, Esq.
Counsel for Petitioner


Ellen J. Bezian, Esq.
Counsel for Petitioner

I

POINTS AND AUTHORITIES

A.

JESSICA IS ENTITLED TO HAVE
NRS 209.4465 STATUTORY CREDITS
DEDUCTED FROM HER MINIMUM SENTENCES
AS WELL AS THE MAXIMUMS

- a. The 7(b) exception does NOT apply to “minimum-maximum” sentences under NRS 193.130.

The plain reading of NRS 209.4465 at the time Jessica committed the felony DUI offenses (March 19, 2000) provided that statutory credits “[a]pply to eligibility for parole.” 1997 Nev. Stat. ch. 641 § 4, at 3175. The statute also contained an exception: Credits would not apply to parole eligibility if “the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.” *Id.*

During the relevant time period, Nevada’s sentencing statutes primarily phrased parolable sentences in one of two ways. *See* 1995 Nev. Stat. ch. § 1, at 1167-68 (NRS 193.130). The first way was expressed as a “minimum-maximum” statute, which provided for a sentence of “a minimum term of not less than [x] years and a maximum term of not more than [y] years.” *See, e.g.,* NRS 193.130(2)(b); *accord* NRS 484.3795, subsequently recodified as NRS 484C.430. The second way was expressed as a “parole-eligibility” statute, which provided for a [maximum sentence], with eligibility for parole beginning when a minimum of [x] years has been served.” *See, e.g.,* NRS 200.030(4)(b)(2), (3); NRS 200.320; NRS 200.366(2)(a)(2). Jessica’s sentences were “minimum-maximum” under NRS 193.130(2)(b) and NRS 484.3795.

NRS 2109.4465(7) states,

Credits earned pursuant to this section:

- 1 (a) Must be deducted from the maximum term
2 imposed by the sentence;
3 and
4 (b) **Apply to eligibility for parole** unless the
5 offender was sentenced pursuant to a statute
6 which specifies a minimum sentence that must
7 be served before a person becomes eligible for
8 parole.

9 (emphasis added)

10 "Parole eligibility" is determined by the minimum sentence. Therefore, the language "Apply
11 to eligibility for parole" necessarily applies to a minimum sentence. There is no language in
12 NRS 19.130(2)(b) or NRS 484.3795 that states an offender must serve a minimum sentence
13 before he becomes eligible for parole. Thus, the exception listed in 7(b) does NOT apply to
14 Jessica's sentences. If the 7(b) exception applied to "minimum-maximum" sentences under NRS
15 193.130, 7 (b) would be meaningless and credits would apply to no one!

16 B.

17 **VONSEYDEWITZ SHOULD BE CONSIDERED**
18 **AS PERSUASIVE AUTHORITY BECAUSE**
19 **THE FINAL DISPOSITION OF THE CASE**
20 **WAS ON FEBRUARY 19, 2016 OR IN THE ALTERNATIVE,**
21 **THIS COURT SHOULD INTERPRET NRS 209.4465**
22 **AS DID VONSEYDEWITZ**

23 The State argues that Jessica cannot rely on *Vonseydewitz* because it was an unpublished
24 opinion occurring before January 1, 2016. (Yet, the Attorney General cites and relies on *Kille*
25 *v. Cox*, 2014 WL 4670217 (Nev. Sept. 18, 2014)). What the State ignores is that the final dis-
26 position of *Vonseydewitz* did not occur until February 19, 2016. See "ORDER DENYING
27 *EN BANC* RECONSIDERATION attached hereto as Exhibit 1.¹ Jessica can rely on *Vonseyde-*

28 ¹ This Order was also made part of Jessica's "Petition for Writ of Habeas Corpus (Post Conviction)" which was served on the State.

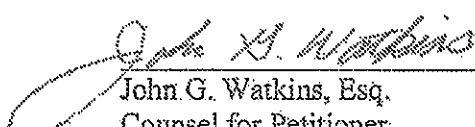
1 wltz. See NRAP Rule 36(c)(3) ("A party may cite for its persuasive value, if any, an unpub-
2 lished disposition issued by this Court on or after January 1, 2016.") At a minimum, Jessica is
3 legally entitled to cite and rely on *Vonseydewitz's* unpublished disposition dated February 19,
4 2016.²


5
6 CONCLUSION

7 At issue are the meanings and interrelations of a statute regarding the application of
8 statutory credits, NRS 209.4465(7)(b), and the statutes pursuant to which Jessica Williams was
9 sentenced, NRS 193.130(2)(b) and NRS 484.3795. The plain reading of NRS 209.4465 provides
10 for the statutory "good time" credits to be applied to both the maximum and minimum sentence
11 when sentenced pursuant to NRS 193.130. Therefore, Jessica is entitled to the relief requested.

12 EXECUTED on the 8th day of June, 2016.
13

14 Respectfully submitted,

15
16 
17 John G. Watkins, Esq.
18 Counsel for Petitioner

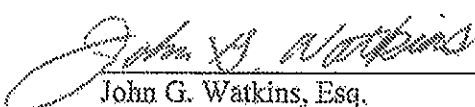
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20 
21 Ellen J. Rezia, Esq.
22 Counsel for Petitioner

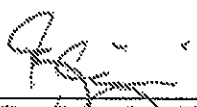
23 VERIFICATION

24 Under penalty of perjury, the undersigned declares that in the foregoing Reply and
25 knows the contents thereof, that the Reply is true of the undersigned's own knowledge, except

26 ² Enclosed herein is the State's "Petition for *En Banc* Reconsideration" which was filed in the Nevada Supreme
27 Court. It should be noted that the Attorney General's Answer in Jessica Williams' case is in substance identical
28 to the State's "Petition for *En Banc* Reconsideration" which was denied by all of the justices which includes the
three justices in the *Kille* case. If this doesn't send a message to all the State courts nothing will.

1 as to those matters stated on information and belief, and as to such matters the undersigned
2 believes them to be true.

3
4 
5 John G. Watkins, Esq.
6 Counsel for Petitioner

7 
8 Ellen J. Bezan, Esq.
9 Counsel for Petitioner

10 CERTIFICATE OF SERVICE BY MAIL

11 I, Sheila Varga, hereby certify pursuant to N.R.C.P. 5(b), that on this 8th day of June
12 2016 I mailed a true and correct copy of the foregoing PETITIONER'S REPLY TO THE
13 STATE'S RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS addressed to:

14 Nevada Department Of Corrections
15 Jo Gentry, Warden
16 Jean Conservation Camp
17 3 Prison Road
18 PO Box 19859
19 Jean, Nevada 89019

20 Adam Laxalt, Attorney General
21 555 East Washington # 3900
22 Las Vegas, Nevada 89101

23 Steven Wolfson, District Attorney
24 200 Lewis Street
25 Second Floor
26 Las Vegas, Nevada 89101

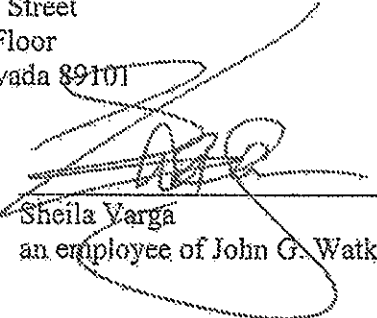
27 
28 Sheila Varga
an employee of John G. Watkins, Esq.

EXHIBIT 1

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. LINDENMAN
CLERK OF SUPREME COURT
BY *[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.
Cherry

[Signature] J.
Gibbons

[Signature] J.
Douglas

[Signature] J.
Saitta

[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.

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

EXHIBIT 2

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,)
)
Appellant,)
)
vs.)
)
ROBERT LeGRAND, WARDEN,)
)
Respondent.)

Electronically Filed
Dec 23 2015 03:42 p.m.
Case No. 66159
Tracie K. Lindeman
Clerk of Supreme Court

PETITION FOR EN BANC RECONSIDERATION

Respondent, by and through Adam Paul Laxalt, Attorney General of the State of Nevada, hereby petitions this Court for en banc reconsideration of the panel's June 24, 2015, Order of Reversal and Remand. This petition is based on NRAP 40A and the following memorandum of points and authorities, and all other papers and materials presented to the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

During the period that Vonseydewitz committed his offenses, under a provision titled "[w]hen prisoner becomes eligible for parole," Nevada law stated that "[a]ny credits earned to reduce his . . . sentence *pursuant to chapter 209 of NRS* while the prisoner serves the minimum term . . . of imprisonment may reduce *only* the maximum term . . . and *must not reduce the minimum term . . . of imprisonment.*" NRS 213.120. This statute did not provide for any exception until

it was amended in 2007, after the period during which VonSeydewitz committed his crimes. Nonetheless, a panel of this Court held that the [Nevada Department of Corrections] has been improperly denying Vonseydewitz the deduction of statutory credits from his *minimum sentence*," because NRS 209.4465(7)(b), a provision related to "credits earned pursuant to [Chapter 209]," applies those credits to "eligibility for parole." The panel's decision conflicts with the plain language of NRS 213.120, because the panel instructed the Nevada Department of Corrections to reduce Vonseydewitz's minimum term of imprisonment by using credits earned pursuant to Chapter 209.

In order to resolve this blatant conflict, rather than referring to the legislative history that undermines its holding, the panel removed minimum-maximum sentence structures from the scope of both statutes by judicial fiat. This decision disregards this Court's longstanding view that "in interpreting statutes that are ambiguous or in conflict, the guiding principle should be the intent of the Legislature." *Las Vegas Police Protective Ass'n Metro, Inc. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 230, 247, 130 P.3d 182, 194 (2006). Reconsideration by the full court is necessary to secure and maintain uniformity of the court's decisions. The proceeding also involves a substantial precedential, constitutional, and public policy issue because the panel's decision reduces the minimum sentences of hundreds if not thousands of prisoners in Nevada, and

creates an ex post facto problem with the 2007 amendments to Nevada's sentencing statutes that would not otherwise exist. Accordingly, en banc reconsideration is warranted. *See* NRAP 40A.

II. STATEMENT OF THE CASE

On June 16, 2010, Frederick VonSeydewitz was convicted, pursuant to a guilty plea, of attempted lewdness with a child under the age of 14 and attempted sexual assault with a minor under the age of 14. *See* Return.¹ On January 30, 2013, VonSeydewitz filed a proper person petition for a writ of habeas corpus in the Sixth Judicial District Court claiming that: (1) NRS 209.4465(8) is an unconstitutional ex post facto law as applied to him because that subsection was added to the statute in 2007, after he had committed the offenses to which he pleaded guilty; and (2) NRS 209.4465(7)(b) does not preclude the application of credits to his minimum sentences for attempt pursuant to NRS 193.330(1)(a)(1). Respondent answered the petition, and it was denied by the district court on July 1, 2014.

VonSeydewitz appealed. On February 12, 2015, the panel filed an order to show cause stating that VonSeydewitz "may be entitled to relief" and directing respondent to show cause why the district court's order should not be reversed.

¹ The Return was filed in the district court below on February 19, 2014. No appendix has been filed in this case and respondent has not been provided with a copy of the Record on Appeal. Accordingly, respondent is unable to cite to this Court's record in this petition.

Respondent filed his response on March 16, 2015. On June 24, 2015, this panel entered an order reversing the district court's denial of VonSeydewitz's petition and remanding the case. Respondent filed a petition for panel rehearing on July 10, 2015, which was denied on December 18, 2015.

III. ARGUMENT

En banc reconsideration may be granted when “(1) reconsideration by the full court is necessary to secure or maintain uniformity of its decisions, or (2) the proceeding involves a substantial precedential, constitutional or public policy issue.” NRAP 40A. The panel ordered the district court to grant habeas relief after excluding sentencing statutes that specify both a minimum and maximum term from the category of statutes that specify “a minimum sentence that must be served before a person becomes eligible for parole” for purposes of NRS 209.4465(7)(b). *See* Order of Reversal and Remand at 3-4; NRS 209.4465(7)(b); NRS 213.120(2). It concluded as a matter of law that VonSeydewitz's sentence under NRS 193.330(1)(a)(1) was not pursuant to a statute “which specifies a minimum sentence that must be served before a person becomes eligible for parole.” Order at 2-3 (quoting NRS 209.4465(7)(b)); *see also* Order at 3 (“Although NRS 193.330(1)(a)(1) provided for a minimum term of not less than two years, it does not necessarily follow that it specified a minimum sentence that must be served before VonSeydewitz becomes eligible for parole.”). The panel erred because all

minimum-maximum sentences, including VonSeydewitz's, specify a minimum sentence that must be served before the person becomes eligible for parole. See NRS 213.120(2) ("a prisoner...may be paroled when the prisoner has served the minimum term or minimum aggregate term of imprisonment imposed by the court").

In reaching its conclusion, the panel effectively invalidated the Nevada Legislature's 1995 enactment of SB 416 by concluding that the language in NRS 209.4465(7)(b)—which has been included in some form in every version of the credits statutes since 1983—both conflicts with and overrides the 1995 statutory amendments that were intended to preclude the application of statutory credits to the minimum sentences of Nevada prisoners.

The method by which the panel reached its conclusion is in direct conflict with Nevada precedent governing statutory interpretation. The panel's statutory interpretation rendered ineffectual the entire "truth in sentencing" scheme implemented in SB 416 by the Legislature in 1995. The panel refused to consider the acknowledged, clear legislative intent behind the statute, and instead chose to rely on the surplusage canon of statutory construction to interpret NRS 209.4465(7)(b) in a way that created a conflict with NRS 213.120(2) as it read at the time of VonSeydewitz's crimes. Then, the panel was forced to rely on the general/specific canon to resolve the conflict it had created, and it did so in a way

that rendered NRS 213.120(2) ineffectual from its creation. This is not in harmony with Nevada case law governing statutory construction.

Furthermore, this overreaching by the panel affects the sentencing calculations of most Nevada prisoners sentenced within the past twenty years, and is of such significance to the prison population and potentially the courts that en banc reconsideration is warranted.

A. Important historical background.

In order to properly consider the issues that have been raised in this case, it is important to have a general understanding of the recent history of Nevada's sentencing statutes. For that reason, respondent presents the following facts for the benefit of this Court.

Between 1967 and 1995, the general felony statutes provided for "determinate" sentences. *See* 1967 Nev. Stat., ch. 211, §2, at 458-59; 1995 Nev. Stat., ch. 443, §1, at 1167-68. These statutes imposed only a single term of years as punishment for a felony, and parole eligibility was based upon a specified percentage of that term that the inmate was required to serve. *See* NRS 213.120(1).

During this same time period, there were also specific statutes that imposed sentences with both a maximum term and a minimum that was required to be served before the prisoner became eligible for parole. The panel referred to these

statutes as "parole-eligibility" statutes in its orders. See Order of Reversal and Remand at 3-4. Inmates sentenced under these statutes were not eligible for parole until they had served their minimum sentence.

In 1981, this Court decided that inmates serving "parole-eligibility" sentences were entitled to the application of good time credits to their minimum sentences for the purpose of parole eligibility. *Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981). In response, the Legislature amended NRS 209.443 in 1983 to add the language now found in NRS 209.4465(7). See 1983 Nev. Stat., ch. 158, §1, at 360-61 ("Good time does not apply to eligibility for parole if a statute specifies a minimum sentence that must be served before a person becomes eligible for parole."). This language was intended to abrogate *Demosthenes* and allow the application of good-time credits to parole eligibility only if an inmate was serving a determinate sentence.

This language became irrelevant in 1995, when the Nevada Legislature passed SB 416 and replaced all determinate sentences with sentences that included both minimum and maximum terms (which the panel referred to as "minimum-maximum" sentencing statutes). 1995 Nev. Stat., ch. 443, §1, at 1167-68. As a result, from 1995 onward all sentences in Nevada included a minimum term that must be served before a prisoner became eligible for parole.

SB 416 had an additional purpose. As part of a move toward "truth in sentencing," one purpose of the bill was to "requir[e] prisoners to serve the minimum term of imprisonment imposed by their sentence before becoming eligible for parole." 1995 Nev. Stat., ch. 443, at 1167. Accordingly, SB 416 added a second subsection to NRS 213.120 that provided that "any credits earned to reduce [a prisoner's] sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment." 1995 Nev. Stat., ch. 443, §235, at 1260-61. As of 1995, Nevada laws did not permit any Nevada inmates sentenced to either parole-eligibility or minimum-maximum sentences to apply statutory credits to their minimum sentences for the purpose of parole eligibility.²

Although SB 416 transitioned away from determinate sentences to a scheme in which every convicted person received both a minimum and a maximum sentence,³ the statutory language that had been added in 1983 to distinguish between "determinate" and "parole-eligibility" sentencing statutes was carried over into each

² This seems obvious because there is no functional difference between a parole-eligibility sentence and a minimum-maximum sentence; the supposed differences in the statutes are only in their phrasing. Both types of sentences include a minimum that must be served before the prisoner is eligible for parole and a maximum that must be served before the sentence expires.

³ With the obvious exception of defendants sentenced to death or life without the possibility of parole.

new version of the credits statutes. See 1983 Nev. Stat., ch. 158, §1, at 360-61 (adding the provision to NRS 209.443). 1985 Nev. Stat., ch. 615, §1, at 1924-25 (creating NRS 209.446 with the same provision); 1997 Nev. Stat., ch. 641, §4, at 3175 (creating NRS 209.4465 with the same provision); 2007 Nev. Stat., ch. 525, §5, at 3177 (amending NRS 209.4465).

In 2007, the Nevada Legislature passed AB 510, which ended the complete prohibition on the application of statutory credits to prisoners' minimum sentences. The Legislature described AB 510 as providing that "certain credits to the sentence of an offender convicted of certain category C, D, or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole." 2007 Nev. Stat., ch. 525, Legislative Counsel's Digest, at 3171. AB 510, which added NRS 209.4465(8) and amended NRS 213.120(2), was ameliorative because it allowed good-time credits earned by some categories of felons with both minimum and maximum sentences to be applied to their parole eligibility for the first time since 1983, but maintained the status quo for the remainder. Accordingly, since 2007, most new offenders in Nevada are entitled to the application of statutory credits to their minimum sentences, while violent

offenders, sex offenders, and A and B felons continue to be denied credits to their minimum sentences.⁴ See NRS 209.4465(8).

B. Reconsideration by the full court is necessary to secure and maintain uniformity of the court's decisions.

In light of the history above, it is apparent why en banc reconsideration of the panel's decision is warranted. The panel relied upon two canons of statutory interpretation to invalidate SB 416 from its inception, rather than look to the legislative intent as required by Nevada law.

In its order to show cause, the panel acknowledged that the legislative intent of SB 416 was to "ensure that convicted felons served a minimum period of time and that they could not be paroled before that minimum period of time had been served." Order to Show Cause at 5. The panel effectively held that by carrying over the 1983 language in the credits statutes that was intended to differentiate between determinate and parole-eligibility sentencing statutes, the Legislature inadvertently rendered SB 416 ineffectual and the Nevada Department of Corrections, by following the statutory scheme as intended, had miscalculated the sentences of its prisoners for two decades. This decision conflicts with prior Nevada case law in several ways.

⁴ This includes *VonSeydewitz*, which is why the district court below correctly rejected his challenge to the statute based on the Ex Post Facto Clause of the United States Constitution. See *Dobbett v. Florida*, 432 U.S. 282, 292 (1977). The panel, however, failed to address this issue in its order.

First, the panel has engaged in statutory interpretation in a way that creates an unreasonable result. "A fundamental rule of statutory interpretation is that the unreasonableness of the result produced by one among alternative possible interpretations of a statute is a reason for rejecting that interpretation in favor of another that would produce a reasonable result." *Sheriff v. Washoe County*, 91 Nev. 729, 733, 542 P.2d 440, 443 (1975). "[I]t is the duty of this court, when possible, to interpret provisions within a common statutory scheme 'harmoniously with one another in accordance with the general purpose of those statutes' and to avoid unreasonable or absurd results, thereby giving effect to the Legislature's intent." *Southern Nevada Homebuilder's Ass'n v. Clark County*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005). By relying on the canon of surplusage to give meaning to statutory language well after the purpose for that language had ceased to exist, and in doing so at the expense of the Legislature's wholesale revision of the Nevada sentencing statutes in SB 416, the panel chose an interpretation of the statute that created an unreasonable result. This is not in harmony with controlling Nevada law.

Second, the panel's interpretation of NRS 209.4465(7)(b) created a conflict with the previous version of NRS 213.120(2) that would otherwise not have existed. Prior to 2007, NRS 213.120(2) stated that credits earned pursuant to chapter 209 "must not reduce the minimum term of imprisonment." 1995 Nev.

Stat., ch. 443, §235, at 1260. Between 1995 and 2007, the language of NRS 209.4465(7)(b)—also found in NRS 209.446(6)(b) and NRS 209.443(5)—and the provisions of NRS 213.120(2) were read harmoniously to preclude the application of credits to all minimum sentences. But the panel's conclusion that NRS 209.4465(7)(b) provided for the application of credits to the minimum terms of all minimum-maximum sentences created a direct conflict between NRS 209.4465(7)(b) and NRS 213.120(2) as they existed between 1995 and 2007. To solve this problem, the panel denied that it had created a conflict by referring to the general/specific canon of statutory construction and asserting that the "specific" provisions of NRS 209.4465(7)(b) could be interpreted as merely creating an exception to the "general prohibition" in NRS 213.120. Order of Reversal and Remand at 6. This was not a subtle effort to justify the panel's prior erroneous interpretation, and it rendered the panel's decision internally inconsistent. See Order of Reversal and Remand at 6 (previously taking the opposite position by referring to NRS 209.4465(7)(b) as the "general rule"). In two consecutive paragraphs, the panel went from characterizing NRS 209.4465(7)(b) as the "general rule" which conflicts with the language in NRS 213.120, to characterizing

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it as the "specific provision[]" which is an exception to the "general prohibition" of the language in NRS 213.120.⁵ *See id.*

The plain language of NRS 213.120(2) as it read between 1995 and 2007 made it clear that its purpose was to preclude prisoners with minimum-maximum sentences from receiving credits to their minimum sentences. *See* 1995 Nev. Stat. ch. 443, §235, at 1260. The supposed "exception" created by the language of NRS 209.4465(7)(b) when it was adopted in 1997 (which, as stated above, had been present in substantially the same form since 1983) effectively stymies the purpose for which NRS 213.120(2) was enacted. At the very least, the facial conflict created by the panel's interpretation of NRS 209.4465(7)(b) created an ambiguity in the statutory scheme and the panel should have looked to the legislative intent to resolve the issue. *See Lader v. Warden*, 121 Nev. 682, 687, 120 P.3d 1164, 1167 (2005).

Third, when the legislative intent is apparent and the effort to give meaning to every portion of the statute frustrates that legislative intent, Nevada case law requires that this Court interpret the statute in a way that maintains harmony and gives effect to the legislative intent. *See Sanchez-Dominguez v. State*, 130 Nev.

⁵ Moreover, an equally valid argument could have been made that NRS 209.4465(7)(b) is the "general rule" for the application of credits because it appears in the chapter for the Department of Corrections and NRS 213.120 is the "specific rule" for the application of credits to parole eligibility because it appears within the chapter on parole.

_____, 318 P.3d 1068, 1074 (2014) (stating that it is a “well-established rule that statutory construction must not defeat the purpose of a statute”); *State v. Lucero*, 127 Nev. ___, 249 P.3d 1226, 1228 (2011) (“When interpreting a statute, legislative intent ‘is the controlling factor.’” (quoting *Robert E. v. Justice Court*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983))); *Savage v. Pierson*, 123 Nev. 86, 95, 157 P.3d 697, 703 (2007) (interpreting statutory provision to create redundancy because that was the legislative intent); *Southern Nevada Homebuilder's Ass'n*, 121 Nev. at 449, 117 P.3d at 173; *see also Bob Jones University v. U.S.*, 461 U.S. 574, 586 (1983) (“It is a well-established canon of statutory construction that a court should go beyond the literal language of a statute if reliance on that language would defeat the plain purpose of the statute.”). Indeed, courts have explained that the very purpose of the rules of statutory construction is to discern the intent of the enacting legislative body. *See Albernaz v. U.S.*, 450 U.S. 333, 340 (1981); *U.S. v. Chambers*, 985 F.2d 1263, 1273 (4th Cir. 1993).

It appears from the panel's order that the panel has adopted the personal views of Antonin Scalia and Bryan Garner that every canon of statutory interpretation should be resorted to before looking to the legislative intent. *See* Antonin Scalia and Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts*, at 22-28 (2012)). But the opinions of these two persons, no matter their resumes, cannot override Nevada law on statutory interpretation. In Nevada,

legislative intent is the key to statutory interpretation. *See supra*. The legislative intent in this case renders the proper statutory interpretation clear: NRS 209.4465(7)(b) precludes the application of statutory credits to the minimum sentences of all Nevada prisoners except as provided in NRS 209.4465(8) and (9). If this Court has decided to make wholesale changes to the law governing statutory interpretation in Nevada, the Court should implement those changes en banc. Rereconsideration by the en banc court is necessary to maintain the uniformity of this Court's decisions with its prior case law on this subject.

As a final matter, respondent would point out that in an unpublished order filed on September 18, 2014, Justices Hardesty, Douglas, and Cherry held that the statutes that existed prior to 2007, including NRS 209.4465(7)(b), "did not permit the NDOC to apply credits to appellant's minimum terms." *Kille v. Cox*, No. 64480, 2014 WL 4670217, at *2 (Nev. Sept. 18, 2014).⁶ The defendant in that

⁶ Although NRAP 40A limits en banc reconsideration to panel decisions that conflict with prior, **published** opinions of the Court, *see* NRAP 40(A)(c), that limitation should be reconsidered in light of the recent amendment to NRAP 36 and the repeal of Supreme Court Rule 123. *See* ADKT 504. In light of the fact that this Court's unpublished orders are now readily available to the public, and that orders filed after January 1, 2016, will be cited as persuasive authority, it makes little sense to permit three-judge panels of this Court to directly contradict one another. Such conflict eviscerates public trust in this Court's decisions. NRAP 40(A) should be amended in order to be consistent with current legal practice. And in this particular case, the conflict between the two panels' interpretations of NRS 209.4465 should provide a basis for en banc reconsideration.

case had been convicted of sexual assault and attempted sexual assault. *Id.* He, like the petitioner in this case, argued that the application of NRS 209.4465(8) was an ex post facto violation. *Id.* The panel in that case rejected his arguments for the same reasons that the panel in this case should have: prior to the 2007 amendment of NRS 209.4465, no prisoners were entitled to the application of credits to their minimum terms. *Id.* This conflicting decision seriously undermines the panel's conclusion that the statutes at issue here are not "susceptible to more than one construction." Order of Reversal and Remand at 5.

C. The panel's interpretation of the Nevada statutes involves, or creates, a substantial precedential, constitutional, or public policy issue.

As discussed above, the panel elected to interpret NRS 209.4465(7)(b) in order to give effect to all of its language, even though the reason for that language had been eliminated in 1995. The end result of this interpretation of the statute is to invalidate SB 416 and frustrate its stated goal of requiring every Nevada inmate to serve their minimum sentence before becoming eligible for parole. Pursuant to the panel's interpretation, all inmates sentenced to a minimum-maximum sentence between 1995 and 2007 were entitled to the application of statutory credits to their minimum sentences.

The panel's interpretation of the statutory scheme is far removed from reality. In practice, the opposite interpretation was in effect. From the effective date of SB 416 up until 2007, the Nevada Department of Corrections calculated

prisoners' sentences in harmony with the legislative intent and no inmates sentenced under the post-1995 statutes had credits applied to their minimum sentences. The panel's interpretation of the sentencing statutes conflicts with the stated intent of SB 416 in 1995 and creates a situation in which the Nevada Department of Corrections is retroactively determined to have wrongly calculated the parole eligibility of the vast majority of inmates sentenced during a period of many years. As a result, this case raises a substantial public policy issue with dramatic repercussions within the prisons, as well as in the courts to the extent that inmates such as VonSeydewitz will seek relief based on the panel's statutory interpretation.

Even more problematic is the fact that the panel's interpretation of NRS 209.4465(7)(b) creates an ex post facto problem with NRS 209.4465. If, as the panel held, NRS 209.4465(7)(b) allowed prisoners with minimum-maximum sentences to apply credits to their parole eligibility beginning in 1997, then the 2007 amendments to NRS 209.4465 in AB 510 that deny those credits to violent offenders, sex offenders, and A and B felons are unconstitutional if applied to prisoners sentenced for crimes committed before 2007. And yet NRS 209.4465 explicitly applies to crimes committed as early as 1997. NRS 209.4465(1). Vonseydewitz raised this claim based upon the Ex Post Facto Clause in the district

court below, and it was rejected.⁷ See Order to Show Cause at 1. If the panel was serious about dutifully applying the canons of statutory interpretation, it would not have been so eager to interpret NRS 209.4465 in a way that “raise[d] serious questions of constitutionality,” much less rendered it unconstitutional. Scalia & Garner, *supra*, at 248.

Respondent asserts that the en banc court should grant this petition in order to give the issue presented here its due consideration.

II. CONCLUSION

For all of the foregoing reasons, this panel should grant respondent’s petition for en banc reconsideration.

RESPECTFULLY SUBMITTED this 23rd day of December, 2015.

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⁷ And, as pointed out previously, it has also been rejected by at least three judges of this Court. See *Kille v. Cox*, No. 64480, 2014 WL 4670217, at *2 (Nev. Sept. 18, 2014).

CERTIFICATE OF COMPLIANCE

1. I hereby certify that this Petition for En Banc Reconsideration complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this Petition has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman.

2. I further certify that this response complies with the type-volume limitations of NRAP 40A(d) because, excluding the parts of the response exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 4,186 words.

3. Finally, I hereby certify that I have read this petition, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that, to the extent possible (*see supra*, n. 1), this response complies with all applicable Nevada Rules of Appellate Procedure, in particular, NRAP 28(e)(1), which requires every assertion in the response regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying response is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

RESPECTFULLY SUBMITTED this 23rd day of December, 2015.

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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 23rd day of December, 2015, I served a copy of the foregoing PETITION FOR EN BANC RECONSIDERATION, by placing said document in the U.S. Mail, postage prepaid, addressed to:

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