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**IN THE SUPREME COURT OF  
THE STATE OF NEVADA**

**WILLIAMS, JESSICA,**

Appellant,

vs.

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

**STATE OF NEVADA,**  
Real Party in Interest.

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**APPELLANT'S REPLY BRIEF**

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13 **TABLE OF CASES AND AUTHORITIES**

14 *McKay v. Bd. of Supervisors of Carson City,*

15 102 Nev. 1030, 1033, 102 P.3d 588, 590 (2004) ..... 2

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18 **STATUTES**

19 NRS 193.130 ..... 1-4

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26 NRS 209.4465(7)(b) ..... 1-3

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28 NRS 484.3795 ..... 2 & 3



1 This Court reviews questions of statutory construction *de novo* *State v. Catanio*,  
2 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004). When the plain language of the  
3 statute reveals its meaning nothing more is required. *McKay v. Bd. of Supervisors*  
4 *of Carson City*, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986).  
5

6 NRS 209.4465(7) states,  
7

8 Credits earned pursuant to this section:  
9

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

12 and

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

18 (emphasis added)

19 Section 7(b)'s meaning is clear on its face. Credits earned apply to a person's min-  
20 imum sentence as well as the maximum ". . . unless the offender was sentenced  
21 pursuant to a statute **which specifies** a minimum sentence that must be served  
22 before a person becomes eligible for parole." (emphasis added.) There is no lang-  
23 uage in NRS 193.130(2) or NRS 484.3795 that specifies an offender must serve a  
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1 minimum sentence before he or she becomes eligible for parole.<sup>1</sup> The Attorney  
2 General ignores this fact. Therefore, the exception listed in 7(b) does NOT apply  
3 to Jessica's sentences.  
4

5 If the 7(b) exception applied to "minimum-maximum" sentences under NRS  
6 193.130, 7(b) would be meaningless and credits would apply to no one! During  
7 the relevant time period herein, Nevada sentencing statutes primarily phrased par-  
8 olable sentences in one of two ways: (1) "minimum-maximum" sentences, and  
9 (2) "parole-eligibility" sentences. Under the Attorney General's argument, no one  
10 would be entitled to earned credits applied to the minimum sentence making 7(b)  
11 meaningless.<sup>2</sup>  
12  
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14

### 15 CONCLUSION

16 At issue are the meanings and interrelations of a statute regarding the appli-  
17 cation of statutory credits, NRS 209.4465(7)(b), and the statutes pursuant to which  
18 Jessica Williams was sentenced, NRS 193.130(2)(b) and NRS 484.3795. The  
19 plain reading of NRS 209.4465 provides for the statutory "good time" credits to be  
20 applied to both the maximum and minimum sentence when sentenced pursuant to  
21  
22  
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24 <sup>1</sup> Had the legislature intended minimum-maximum sentencing statutes to be within  
25 NRS 209.4465(7)(b)'s exception, it could readily have done so by using the  
26 parole-eligibility verbiage.

27 <sup>2</sup> The Attorney General's reference to legislative history is inapposite since 7(b)'s  
28 meaning is plain on its face, especially any history prior to 1995.

1 NRS 193.130. Therefore, Jessica is entitled to the relief requested.

2  
3 EXECUTED on the 10th day of November, 2016.

4 Respectfully submitted,

5  
6 /s/ John G. Watkins, Esquire

7  
8 John G. Watkins, Esquire

9  
10 /s/ Ellen J. Bezan, Esquire

11  
12 Ellen J. Bezan, Esquire

13 **VERIFICATION**

14 Under penalty of perjury, the undersigned declares that in the foregoing  
15 Reply Brief and knows the contents thereof; that the Reply Brief is true of the  
16 undersigned's own knowledge, except as to those matters stated on information  
17 and belief, and as to such matters the undersigned believes them to be true.  
18

19  
20 /s/ John G. Watkins, Esquire

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22 John G. Watkins, Esquire

23  
24 /s/ Ellen J. Bezan, Esquire

25  
26 Ellen J. Bezan, Esquire



1 regarding matters in the record to be supported by a reference to the  
2 page and volume number, if any, of the transcript or appendix where  
3 the matter relied on is to be found. I understand that I may be subject  
4 to sanctions in the event that the accompanying brief is not in conformity  
5 with the requirements of the Nevada Rules of Appellate Procedure.  
6  
7

8 Dated this 10<sup>th</sup> day of November, 2016.

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23 **CERTIFICATE OF SERVICE**

24 I, Sheila Varga, hereby certify pursuant to N.R.C.P. 5(b), that on this 10th  
25 day of November, 2016 I mailed a true and correct copy of the REPLY BRIEF  
26 addressed to:  
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15 /s/ Sheila Varga

16 \_\_\_\_\_  
17 Sheila Varga, an employee  
18 of John G. Watkins, Esquire  
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