



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Electronically Filed  
May 04 2018 09:00 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Acting Court Division Administrator

May 3, 2018

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: GARY DERRICK FAIR vs. BRIAN WILLIAMS

**S.C. CASE: 75487**

D.C. CASE: A-17-764995-W

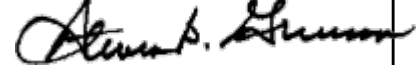
Dear Ms. Brown:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated April 20, 2018, enclosed is a certified copy of the Decision and Order filed May 2, 2018 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Amanda Hampton", is written over a horizontal line.

Amanda Hampton, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5 GARY DERRICK FAIR,

6 Petitioner,

7 vs.

8 BRIAN WILLIAMS, WARDEN,

9 Respondents.

Case No. A-17-764995-W

Dept. No. VII

10 **DECISION AND ORDER**

11 Petitioner Gary Derrick Fair filed a Petition for Writ of Habeas Corpus challenging the  
12 computation of time by the Nevada Department of Corrections. The matter came before the Court  
13 on March 1, 2018. The Court did not entertain oral arguments and no parties were present. The  
14 Court now rules based solely on the pleadings pursuant to NRS 34.770(2). The Court denies Mr.  
15 Fair's Petition for Writ of Habeas Corpus.

16 **I. Factual and Procedural Background**

17 Gary Derrick Fair is serving a sentence for a 2016 Grand Larceny, a category C felony but  
18 was sentenced as a habitual criminal under NRS 207.010, raising the offense to a category B felony.  
19 Mr. Fair filed his Petition for Writ of Habeas Corpus on November 21, 2017. Mr. Fair alleges the  
20 Nevada Department of Corrections failed to properly apply good time credit to Mr. Fair's sentence.  
21 The Attorney General's Office filed a response on February 23, 2018. The Attorney General's  
22 Office argues Mr. Fair is not entitled to any additional good time credit deductions.

23 **II. Discussion**

24 The Nevada Supreme Court in Williams v. State, 402 P.3d 1260 (Nev. 2017) held that  
25 petitioners with offense dates between 1997 and June 30, 2007 are entitled to good time credits  
26 under NRS 209.4465(7)(b) if: (1) the petitioner was sentenced under a statute that did not specify a  
27 parole eligibility date; and (2) the petitioner has not already been before the parole board on that  
28 sentence.

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LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

CLERK OF THE COURT

1 As Mr. Fair's offenses took place after July 1, 2007, after NRS 209.4465 was amended, the  
2 decision in Williams does not apply. Therefore, the Court will be applying the current form of NRS  
3 209.4465.

4 **Nevada Revised Statute 209.4465(8) governs the award of credits for crimes for offenses**  
5 **committed after July 1, 2007**

6 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or  
7 after July 17, 1997. An inmate that meets certain qualifications "must be allowed. . . a deduction of  
8 20 days from his or her sentence for each month the offender serves." NRS 209.4465(1). These  
9 credits "[a]pply to eligibility for parole" unless "otherwise provided in subsections 8 and 9." NRS  
10 209.4465(7). Under subsection 8, the credits apply to eligibility for parole for:

11 an offender who has not been convicted of:

12 (a) Any crime that is punishable as a felony involving the use or threatened  
13 use of force or violence against the victim;

14 (b) A sexual offense that is punishable as a felony;

15 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is  
16 punishable as a felony; or

17 (d) A category A or B felony.


18 NRS 209.4465(8).

19 The Court finds Mr. Fair is not entitled to good time credit deductions from Mr. Fair's parole  
20 eligibility date under NRS 209.4465. All of Mr. Fair's sentence is for a post July 1, 2007 category B  
21 felony. As his offenses were committed after the effective date of the 2007 amendment of NRS  
22 209.4465, NRS 209.4465(8) governs rather than NRS 209.4465(7). Nevada Revised Statutes  
23 209.4465(8) specifically exempts these types of offenses from NRS 209.4465(1)'s award for good  
24 time credit deductions from an inmate's parole eligibility date. Consequently the Court denies Mr.  
25 Fair's Petition.

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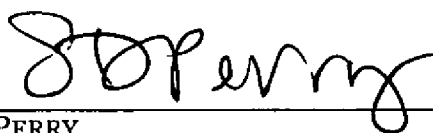


LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Gary Derrick Fair c/o High Desert State Prison	Petitioner
Allison Herr, Esq. Deputy Attorney General	Counsel for Respondent



SYLVIA PERRY  
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

**AFFIRMATION**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A751423 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell  
District Court Judge

Date 4/2/2018

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII



*Clerk of the Courts*  
*Steven D. Grierson*

200 Lewis Avenue  
Las Vegas, NV 89155-1160  
(702) 671-4554

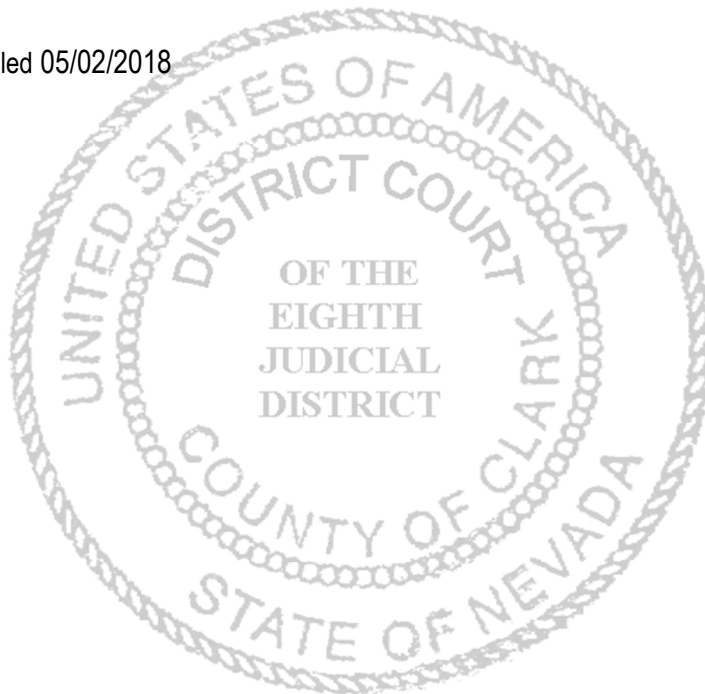
May 3, 2018

Case No.: A-17-764995-W

### **CERTIFICATION OF COPY**

**Steven D. Grierson**, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full, and correct copy of the hereinafter stated original document(s):

Decision and Order filed 05/02/2018



now on file and of

**In witness whereof**, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, at 2:13 PM on May 3, 2018.

  
STEVEN D. GRIERSON, CLERK OF THE COURT