

1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

Case No. A-18-775677-W

Dept. No. VII

10 **DECISION AND ORDER**

11 Petitioner Luis Sanchez 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 October 09, 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 grants Mr.  
15 Sanchez's Petition for Writ of Habeas Corpus in part and denies it in part.

16 **I. Factual and Procedural Background**

17 Luis Sanchez is serving a sentence for Attempt Sexual Assault, a category B felony. Mr.  
18 Sanchez was sentenced to a maximum of fifteen years with a minimum parole eligibility five years  
19 with 202 days credit for time served.

20 Mr. Sanchez filed his Petition for Writ of Habeas Corpus on March 27, 2018. Mr. Sanchez  
21 alleges the Nevada Department of Corrections failed to properly apply good time credit to Mr.  
22 Sanchez's sentence. The Attorney General's Office filed a response on September 12, 2018. The  
23 Attorney General's Office argues Mr. Sanchez is not entitled to additional good time credits.

24 **II. Discussion**

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

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LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII  
CLERK OF THE COURT

1 sentence. As Mr. Sanchez's offenses took place before June 30, 2007, Mr. Sanchez may be entitled  
2 to additional credits pursuant to Williams.

3 **The Court Grants Mr. Sanchez's Petition for Good Time Credits Pursuant to the Williams**  
4 **Decision.**

5 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or  
6 after July 17, 1997. The Court applies the version of the statute in effect when Mr. Sanchez  
7 committed the offenses in its analysis because Mr. Sanchez's offense took place before and after the  
8 2007 amendment, specifically from May 8, 2006 to January 31, 2013. For offenses committed  
9 before July 1, 2007, the Court finds that an inmate that meets certain qualifications "must be  
10 allowed. . . a deduction of 10 days from his sentence for each month he serves." NRS 209.4465(1)  
11 (2003) (amended 2007). These credits "must be deducted from the maximum term imposed by the  
12 sentence," and "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a  
13 statute which specifies a minimum sentence that must be served before a person becomes eligible for  
14 parole." NRS 209.4465(7) (2003) (amended 2007). For offenses committed after the July 1, 2007  
15 effective date, the petitioner is entitled to "a deduction of 20 days from his sentence for each month  
16 he serves." NRS 209.4465(1) (2007). Williams now governs the credits a petitioner may earn under  
17 NRS 209.4465, and their application for offenses committed before July 1, 2007.

18 Prior to the Williams decision, any statute designating a minimum term of imprisonment  
19 inherently sets the minimum sentence an offender must serve before parole eligibility. NRS  
20 209.4465(7)(b). Accordingly, the statute under which Mr. Sanchez was convicted specifies a  
21 minimum sentence that must be served before Mr. Sanchez is eligible for parole. Pursuant to  
22 Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would  
23 have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was  
24 sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not  
25 already appeared before the parole board. Williams at p.13. The Nevada Supreme Court found that  
26 NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for  
27 parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada  
28 Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on

1 parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence.  
2 Thus, an inmate is eligible for parole sooner than he or she would have been without the credits.  
3 Williams at ps. 4-5. Accordingly, the Court finds Mr. Sanchez is entitled to good time credit  
4 deductions from his parole eligibility date under NRS 209.4465.

5 In light of the Williams decision, the Court finds Mr. Sanchez is entitled to good time credit  
6 deductions from his parole eligibility date under NRS 209.4465(7)(b). Mr. Sanchez's offense dates  
7 span a time period between 2006 and 2013. The information in the criminal case does not  
8 distinguish any specific dates within this range. The Court has no way to determine which offenses  
9 or part of offenses occurred prior to July 1, 2007. Separating the range would violate the Ex Post  
10 Facto Clause of the United States Constitution pursuant to Weaver v. Graham, 450 U.S. 24, 33-34  
11 (1981). The Nevada Supreme Court has "repeatedly held that where there is ambiguity in the  
12 language of a penal statute, that doubt must be resolved in favor of the individual." Demosthenes v.  
13 Williams, 97 Nev. 611, 637 P.2d 1203 (1981). As such, the Court must interpret the statute in favor  
14 of the Petitioner. Therefore, the Court finds Mr. Sanchez is entitled to good time credit deductions  
15 from his parole eligibility date under NRS 209.4465.

16 **Mr. Sanchez already received good time credit against his maximum sentence.**

17 Next, Mr. Sanchez alleges that he has earned good-time credit against his maximum  
18 sentence. Mr. Sanchez's sentence is governed by NRS 209.4465. An inmate that meets certain  
19 qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month  
20 the offender serves." NRS 209.4465(1).

21 So long as a qualifying inmate does not violate any laws or prison regulations, he is entitled  
22 to 20 good-time credits per month under NRS 209.4465. Mr. Sanchez's credit history shows that the  
23 NDOC has awarded him his good-time credits per month for every month he has been incarcerated,  
24 including for the jail credits awarded in the judgment of conviction. Thus, the Court finds that Mr.  
25 Sanchez is not entitled to additional days good time credit because he has been properly given all of  
26 his time.

1 **Mr. Sanchez was awarded pre-sentence credit**

2 Mr. Sanchez alleges he is entitled to 202 days pre-sentence credit. However, a review of Mr.  
3 Sanchez's record shows that Mr. Sanchez was awarded this credit. Thus, Mr. Sanchez is not entitled  
4 to any additional credit. Any challenge to the amount of pre-sentence credit awarded must be  
5 addressed with the sentencing court.

6 **The Court Denies Mr. Sanchez's Petition Regarding Work Credits**

7 Mr. Sanchez also claims that he is entitled to work credits because he is willing to work or  
8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which  
9 states:

10 2. In addition to the credits allows pursuant to subsection 1, the Director may  
11 allow not more than days of credit each month for an offender whose  
12 diligence in labor and study merits such credits.

13 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)  
14 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early  
15 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Sanchez only  
16 claims that he has been denied the right to earn work credit, this argument fails. Mr. Sanchez has no  
17 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more  
18 credit than he does not work to earn. Since Mr. Sanchez has not submitted proof that he has earned  
19 any work credits, Mr. Sanchez is not entitled to any additional work credits.



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III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of Nov 19, 2018.

  
LINDA MARIE BELL  
DISTRICT COURT JUDGE

BN

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

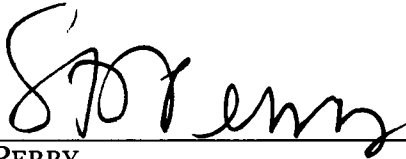
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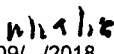
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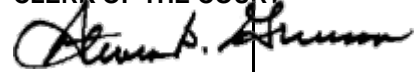
**CERTIFICATE OF SERVICE**

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
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, 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 A775677 **DOES NOT** contain the social security number of any person.  
  
\_\_\_\_\_  
/s/ Linda Marie Bell      Date 09/ /2018  
District Court Judge



NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

Case No: A-18-775677-W

Dept. No: VII

vs.

HIGH DESERT STATE PRISON, ET. AL,

Respondent,

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on November 26, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on November 28, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 28 day of November 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

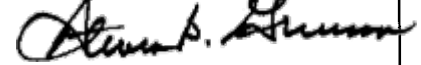
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Luis Sanchez # 1108190  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Amber Lasby

Amber Lasby, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

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DISTRICT JUDGE  
DEPARTMENT VII  
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8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which  
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10 2. In addition to the credits allows pursuant to subsection 1, the Director may  
11 allow not more than days of credit each month for an offender whose  
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13 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)  
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III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of October 19, 2018.

  
LINDA MARIE BELL  
DISTRICT COURT JUDGE

BN

LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII



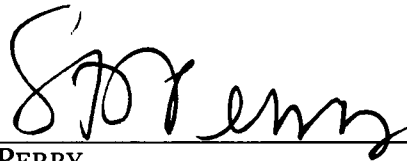
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DISTRICT JUDGE  
DEPARTMENT VII

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**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
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, Esq. Deputy Attorney General	Counsel for Respondent



SYLVIA PERRY  
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

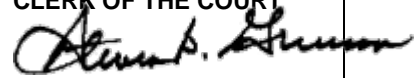
**AFFIRMATION**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A775677 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell  
District Court Judge

09/16/2018  
Date



1 **NOASC**  
2 **ADAM PAUL LAXALT**  
3 Attorney General  
4 Ashley Balducci (Bar No. 12687)  
5 Deputy Attorney General  
6 State of Nevada  
7 Office of the Attorney General  
8 555 E. Washington Ave., Ste. 3900  
9 Las Vegas, Nevada 89101-1068  
10 (702) 486-3086 (phone)  
11 (702) 486-2377 (fax)  
12 ABalducci@ag.nv.gov  
13 Attorneys for Respondents

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 **LUIS SANCHEZ,**

11 Petitioner,

12 vs.

13 **HIGH DESERT STATE PRISON, *et al.*,**

14 Respondents.

Case No. A-18-775677-W

Dept. No. VII

16 **NOTICE OF APPEAL**

17 Notice is hereby given that Respondents hereby appeal to the Nevada Supreme Court from the  
18 final order entered in this action on November 28, 2018, and served by mail on the same day.

19 DATED: December 5, 2018.

20 **ADAM PAUL LAXALT**  
21 Attorney General

22 By: /s/ Ashley Balducci  
23 Ashley A. Balducci (Bar No. 12687)  
24 Deputy Attorney General  
25  
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27  
28

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: December 5, 2018.

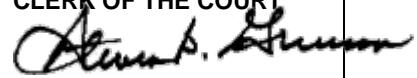
ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth  
An employee of the Office of the Attorney General



ASTA  
ADAM PAUL LAXALT  
Attorney General  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
(702) 486-3086 (phone)  
(702) 486-2377 (fax)  
ABalducci@ag.nv.gov  
Attorneys for Respondents

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

**CASE APPEAL STATEMENT**

- 1. Name of appellant filing this case appeal statement:** High Desert State Prison
- 2. Judge issuing the decision, judgment, or order appealed from:** The Honorable Linda Marie Bell
- 3. Name and address of appellant's counsel:**  
Heidi Parry Stern, Chief Deputy Attorney General  
Ashley Alexandria Balducci, Deputy Attorney General  
555 E. Washington Avenue, Suite #3900  
Las Vegas, Nevada 89101
- 4. Name and address of respondent's counsel:** Respondent is pro se.
- 5. Attorneys not licensed to practice law in Nevada:** None.
- 6. Whether appellant was represented by appointed or retained counsel in the district court:** The appellant is an entity represented by the Attorney General's Office.

**7. Whether the appellant is represented by appointed or retained counsel on appeal:**

The appellant is an entity represented by the Attorney General's Office.

**8. Whether appellant was granted leave to proceed in forma pauperis: No.**

**9. Date the proceeding commenced in the district court:** Respondent filed a Petition for Writ of Habeas Corpus on May 23, 2018.

**10. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and relief granted by the district court:** Sanchez filed a *pro se* petition for writ of habeas corpus alleging that he was entitled to good time credit against his minimum sentence pursuant to NRS 209.4465. Appellant filed a response stating that, this Court’s unpublished disposition in *Smith v. Baca*, 408 P.3d 548 (Nev. 2017) (unpublished disposition) prohibited the application of good time credit against Sanchez’s minimum sentence. The district court issued a decision and order partially granting Sanchez’s petition, finding that Sanchez is entitled to good time credit off his minimum sentence.

**11. Whether this case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and if so, the caption and Supreme Court docket number of the prior proceeding:** None.

**12. Whether the appeal involves child custody or visitation:** No.

**13. In civil cases, whether this appeal involves the possibility of settlement:** Not applicable.

Dated: December 5, 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

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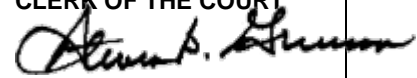
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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth  
An employee of the Office of the Attorney General





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Dec 11 2018 02:23 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

NOASC  
ADAM PAUL LAXALT  
Attorney General  
Ashley Balducci (Bar No. 12687)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
(702) 486-3086 (phone)  
(702) 486-2377 (fax)  
ABalducci@ag.nv.gov  
Attorneys for Respondents

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

**NOTICE OF APPEAL**

Notice is hereby given that Respondents hereby appeal to the Nevada Supreme Court from the final order entered in this action on November 28, 2018, and served by mail on the same day.

DATED: December 5, 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: December 5, 2018.

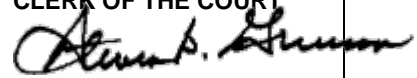
ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

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/s/ M. Landreth  
An employee of the Office of the Attorney General



ASTA  
ADAM PAUL LAXALT  
Attorney General  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
(702) 486-3086 (phone)  
(702) 486-2377 (fax)  
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Attorneys for Respondents

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

**CASE APPEAL STATEMENT**

- 1. Name of appellant filing this case appeal statement:** High Desert State Prison
- 2. Judge issuing the decision, judgment, or order appealed from:** The Honorable Linda Marie Bell
- 3. Name and address of appellant's counsel:**  
  
Heidi Parry Stern, Chief Deputy Attorney General  
Ashley Alexandria Balducci, Deputy Attorney General  
555 E. Washington Avenue, Suite #3900  
Las Vegas, Nevada 89101
- 4. Name and address of respondent's counsel:** Respondent is pro se.
- 5. Attorneys not licensed to practice law in Nevada:** None.
- 6. Whether appellant was represented by appointed or retained counsel in the district court:** The appellant is an entity represented by the Attorney General's Office.

**7. Whether the appellant is represented by appointed or retained counsel on appeal:**

The appellant is an entity represented by the Attorney General's Office.

**8. Whether appellant was granted leave to proceed in forma pauperis: No.**

**9. Date the proceeding commenced in the district court:** Respondent filed a Petition for Writ of Habeas Corpus on May 23, 2018.

10. **A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and relief granted by the district court:** Sanchez filed a *pro se* petition for writ of habeas corpus alleging that he was entitled to good time credit against his minimum sentence pursuant to NRS 209.4465. Appellant filed a response stating that, this Court's unpublished disposition in *Smith v. Baca*, 408 P.3d 548 (Nev. 2017) (unpublished disposition) prohibited the application of good time credit against Sanchez's minimum sentence. The district court issued a decision and order partially granting Sanchez's petition, finding that Sanchez is entitled to good time credit off his minimum sentence.

**11. Whether this case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and if so, the caption and Supreme Court docket number of the prior proceeding:** None.

**12. Whether the appeal involves child custody or visitation: No.**

**13. In civil cases, whether this appeal involves the possibility of settlement:** Not applicable.

Dated: December 5, 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: December 5, 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General

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/s/ M. Landreth  
An employee of the Office of the Attorney General

# CASE SUMMARY

## CASE NO. A-18-775677-W

**Luis Sanchez, Plaintiff(s)**  
**vs.**  
**High Desert State Prison, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 7**  
 Judicial Officer: **Bell, Linda Marie**  
 Filed on: **05/23/2018**  
 Cross-Reference Case Number: **A775677**

### CASE INFORMATION

Case Type: **Writ of Habeas Corpus**

Case Status: **05/23/2018 Open**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-18-775677-W  
 Court Department 7  
 Date Assigned 05/23/2018  
 Judicial Officer Bell, Linda Marie

### PARTY INFORMATION





		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Sanchez, Luis</b>	<b>Pro Se</b>
<b>Defendant</b>	<b>High Desert State Prison</b>	<b>Gebrael, Natasha M.</b> <i>Retained</i> 702-851-1191(W)
	<b>Nevada State of</b>	<b>Gebrael, Natasha M.</b> <i>Retained</i> 702-851-1191(W)
	<b>Offender Management Division</b>	<b>Gebrael, Natasha M.</b> <i>Retained</i> 702-851-1191(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

05/23/2018	 Inmate Filed - Petition for Writ of Habeas Corpus Party: Plaintiff Sanchez, Luis <i>Petition for Writ of Habeas Corpus Good and Work Time, Meritorious Award Calculations (NRS 34.724, subsection 2(c))</i>
08/20/2018	 Order for Petition for Writ of Habeas Corpus <i>Order for Petition for Writ of Habeas Corpus</i>
10/01/2018	 Response Filed by: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division <i>Response to Petition for Writ of Habeas Corpus</i>
11/26/2018	 Decision and Order <i>Decision and Order</i>



## CASE SUMMARY

CASE NO. A-18-775677-W

11/28/2018



Notice of Entry of Order

Filed By: Defendant High Desert State Prison

*Notice of Entry of Order*

12/05/2018



Case Appeal Statement

Filed By: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division

*Case Appeal Statement*

12/05/2018



Notice of Appeal (criminal)

Party: Defendant High Desert State Prison; Defendant Nevada State of; Defendant Offender Management Division

*Notice of Appeal*

### HEARINGS

10/09/2018



**Petition for Writ of Habeas Corpus (9:00 AM)** (Judicial Officer: Bell, Linda Marie)

Granted in Part;

Journal Entry Details:

*No parties present. Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). He was convicted of a category B felony with an offense date spanning May 2016 through January 2013. Plaintiff has received appropriate credits off of his maximum sentence. Since Plaintiff was charged with a time span that includes pre July 2007 he is entitled to credit off of the minimum sentence for the category B felony. Additionally, the record reflects Plaintiff was appropriately awarded and received 202 days of jail credit.*

*Finally, Plaintiff has no constitutional liberty interest in credit for work not performed and is not entitled to work not performed. COURT ORDERED, petition GRANTED IN PART and DENIED IN PART, order SIGNED IN OPEN COURT.;*

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada  
Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

A-18-75677-W

## I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): Luis Sanchez #1108190 HDSP PO Box 650 Indian Springs, NV 89070	Defendant(s) (name/address/phone): <span style="font-size: 24pt; font-weight: bold;">VII</span> High Desert State Prison Offender Management Division State of Nevada
Attorney (name/address/phone):	Attorney (name/address/phone):

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate <i>(select case type and estate value)</i></b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input checked="" type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

6/7/18

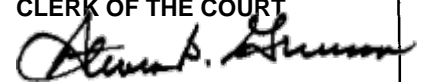
Date

PREPARED BY CLERK

Signature of initiating party or representative

*See other side for family-related case filings.*





1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

Case No. A-18-775677-W

Dept. No. VII

10 **DECISION AND ORDER**

11 Petitioner Luis Sanchez 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 October 09, 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 grants Mr.  
15 Sanchez's Petition for Writ of Habeas Corpus in part and denies it in part.

16 **I. Factual and Procedural Background**

17 Luis Sanchez is serving a sentence for Attempt Sexual Assault, a category B felony. Mr.  
18 Sanchez was sentenced to a maximum of fifteen years with a minimum parole eligibility five years  
19 with 202 days credit for time served.

20 Mr. Sanchez filed his Petition for Writ of Habeas Corpus on March 27, 2018. Mr. Sanchez  
21 alleges the Nevada Department of Corrections failed to properly apply good time credit to Mr.  
22 Sanchez's sentence. The Attorney General's Office filed a response on September 12, 2018. The  
23 Attorney General's Office argues Mr. Sanchez is not entitled to additional good time credits.

24 **II. Discussion**

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

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DISTRICT JUDGE  
DEPARTMENT VII  
CLERK OF THE COURT

1 sentence. As Mr. Sanchez's offenses took place before June 30, 2007, Mr. Sanchez may be entitled  
2 to additional credits pursuant to Williams.

3 **The Court Grants Mr. Sanchez's Petition for Good Time Credits Pursuant to the Williams**  
4 **Decision.**

5 Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or  
6 after July 17, 1997. The Court applies the version of the statute in effect when Mr. Sanchez  
7 committed the offenses in its analysis because Mr. Sanchez's offense took place before and after the  
8 2007 amendment, specifically from May 8, 2006 to January 31, 2013. For offenses committed  
9 before July 1, 2007, the Court finds that an inmate that meets certain qualifications "must be  
10 allowed. . . a deduction of 10 days from his sentence for each month he serves." NRS 209.4465(1)  
11 (2003) (amended 2007). These credits "must be deducted from the maximum term imposed by the  
12 sentence," and "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a  
13 statute which specifies a minimum sentence that must be served before a person becomes eligible for  
14 parole." NRS 209.4465(7) (2003) (amended 2007). For offenses committed after the July 1, 2007  
15 effective date, the petitioner is entitled to "a deduction of 20 days from his sentence for each month  
16 he serves." NRS 209.4465(1) (2007). Williams now governs the credits a petitioner may earn under  
17 NRS 209.4465, and their application for offenses committed before July 1, 2007.

18 Prior to the Williams decision, any statute designating a minimum term of imprisonment  
19 inherently sets the minimum sentence an offender must serve before parole eligibility. NRS  
20 209.4465(7)(b). Accordingly, the statute under which Mr. Sanchez was convicted specifies a  
21 minimum sentence that must be served before Mr. Sanchez is eligible for parole. Pursuant to  
22 Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would  
23 have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was  
24 sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not  
25 already appeared before the parole board. Williams at p.13. The Nevada Supreme Court found that  
26 NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for  
27 parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada  
28 Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on

1 parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence.  
2 Thus, an inmate is eligible for parole sooner than he or she would have been without the credits.  
3 Williams at ps. 4-5. Accordingly, the Court finds Mr. Sanchez is entitled to good time credit  
4 deductions from his parole eligibility date under NRS 209.4465.

5 In light of the Williams decision, the Court finds Mr. Sanchez is entitled to good time credit  
6 deductions from his parole eligibility date under NRS 209.4465(7)(b). Mr. Sanchez's offense dates  
7 span a time period between 2006 and 2013. The information in the criminal case does not  
8 distinguish any specific dates within this range. The Court has no way to determine which offenses  
9 or part of offenses occurred prior to July 1, 2007. Separating the range would violate the Ex Post  
10 Facto Clause of the United States Constitution pursuant to Weaver v. Graham, 450 U.S. 24, 33-34  
11 (1981). The Nevada Supreme Court has "repeatedly held that where there is ambiguity in the  
12 language of a penal statute, that doubt must be resolved in favor of the individual." Demosthenes v.  
13 Williams, 97 Nev. 611, 637 P.2d 1203 (1981). As such, the Court must interpret the statute in favor  
14 of the Petitioner. Therefore, the Court finds Mr. Sanchez is entitled to good time credit deductions  
15 from his parole eligibility date under NRS 209.4465.

16 **Mr. Sanchez already received good time credit against his maximum sentence.**

17 Next, Mr. Sanchez alleges that he has earned good-time credit against his maximum  
18 sentence. Mr. Sanchez's sentence is governed by NRS 209.4465. An inmate that meets certain  
19 qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month  
20 the offender serves." NRS 209.4465(1).

21 So long as a qualifying inmate does not violate any laws or prison regulations, he is entitled  
22 to 20 good-time credits per month under NRS 209.4465. Mr. Sanchez's credit history shows that the  
23 NDOC has awarded him his good-time credits per month for every month he has been incarcerated,  
24 including for the jail credits awarded in the judgment of conviction. Thus, the Court finds that Mr.  
25 Sanchez is not entitled to additional days good time credit because he has been properly given all of  
26 his time.

1     **Mr. Sanchez was awarded pre-sentence credit**

2             Mr. Sanchez alleges he is entitled to 202 days pre-sentence credit. However, a review of Mr.  
3 Sanchez's record shows that Mr. Sanchez was awarded this credit. Thus, Mr. Sanchez is not entitled  
4 to any additional credit. Any challenge to the amount of pre-sentence credit awarded must be  
5 addressed with the sentencing court.

6     **The Court Denies Mr. Sanchez's Petition Regarding Work Credits**

7             Mr. Sanchez also claims that he is entitled to work credits because he is willing to work or  
8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which  
9 states:

10                 2. In addition to the credits allows pursuant to subsection 1, the Director may  
11                 allow not more than days of credit each month for an offender whose  
12                 diligence in labor and study merits such credits.

13             The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)  
14 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early  
15 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Sanchez only  
16 claims that he has been denied the right to earn work credit, this argument fails. Mr. Sanchez has no  
17 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more  
18 credit than he does not work to earn. Since Mr. Sanchez has not submitted proof that he has earned  
19 any work credits, Mr. Sanchez is not entitled to any additional work credits.

### III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of October 19, 2018.

  
LINDA MARIE BELL  
DISTRICT COURT JUDGE

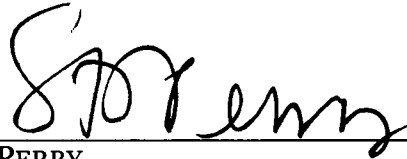
BN

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
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, Esq. Deputy Attorney General	Counsel for Respondent



SYLVIA PERRY  
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

**AFFIRMATION**

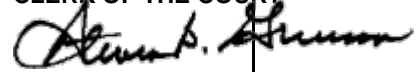
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A775677 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell  
District Court Judge

09/16/2018  
Date





NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

Case No: A-18-775677-W

Dept. No: VII

vs.

HIGH DESERT STATE PRISON, ET. AL,

Respondent,

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on November 26, 2018, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on November 28, 2018.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 28 day of November 2018, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Luis Sanchez # 1108190  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Amber Lasby

Amber Lasby, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 LUIS SANCHEZ,

6 Petitioner,

7 vs.

8 HIGH DESERT STATE PRISON,

9 Respondents.

Case No. A-18-775677-W

Dept. No. VII

10 DECISION AND ORDER

11 Petitioner Luis Sanchez 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 October 09, 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 grants Mr.  
15 Sanchez's Petition for Writ of Habeas Corpus in part and denies it in part.

16 **I. Factual and Procedural Background**

17 Luis Sanchez is serving a sentence for Attempt Sexual Assault, a category B felony. Mr.  
18 Sanchez was sentenced to a maximum of fifteen years with a minimum parole eligibility five years  
19 with 202 days credit for time served.

20 Mr. Sanchez filed his Petition for Writ of Habeas Corpus on March 27, 2018. Mr. Sanchez  
21 alleges the Nevada Department of Corrections failed to properly apply good time credit to Mr.  
22 Sanchez's sentence. The Attorney General's Office filed a response on September 12, 2018. The  
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24 **II. Discussion**

25 The Nevada Supreme Court in Williams v. State, 402 P.3d 1260 (Nev. 2017) held that  
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4 **Decision.**

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22 Williams, the Nevada Supreme Court found that a petitioner is entitled to apply credits they would  
23 have earned under NRS 209.4465 to the current sentence's minimum if: (1) the petitioner was  
24 sentenced under a statute that was silent as to a parole eligibility date; and (2) the petitioner had not  
25 already appeared before the parole board. Williams at p.13. The Nevada Supreme Court found that  
26 NRS 209.4465(7), section (a) provides the general rule for credits earned towards eligibility for  
27 parole, and section (b) sets forth the limitations. Under the rules of construction, the Nevada  
28 Supreme Court found that section (b) limitations do not apply to a sentencing statute that is silent on

1 parole eligibility. As such, credits earned should be deducted from a petitioner's minimum sentence.  
2 Thus, an inmate is eligible for parole sooner than he or she would have been without the credits.  
3 Williams at ps. 4-5. Accordingly, the Court finds Mr. Sanchez is entitled to good time credit  
4 deductions from his parole eligibility date under NRS 209.4465.

5 In light of the Williams decision, the Court finds Mr. Sanchez is entitled to good time credit  
6 deductions from his parole eligibility date under NRS 209.4465(7)(b). Mr. Sanchez's offense dates  
7 span a time period between 2006 and 2013. The information in the criminal case does not  
8 distinguish any specific dates within this range. The Court has no way to determine which offenses  
9 or part of offenses occurred prior to July 1, 2007. Separating the range would violate the Ex Post  
10 Facto Clause of the United States Constitution pursuant to Weaver v. Graham, 450 U.S. 24, 33-34  
11 (1981). The Nevada Supreme Court has "repeatedly held that where there is ambiguity in the  
12 language of a penal statute, that doubt must be resolved in favor of the individual." Demosthenes v.  
13 Williams, 97 Nev. 611, 637 P.2d 1203 (1981). As such, the Court must interpret the statute in favor  
14 of the Petitioner. Therefore, the Court finds Mr. Sanchez is entitled to good time credit deductions  
15 from his parole eligibility date under NRS 209.4465.

16 **Mr. Sanchez already received good time credit against his maximum sentence.**

17 Next, Mr. Sanchez alleges that he has earned good-time credit against his maximum  
18 sentence. Mr. Sanchez's sentence is governed by NRS 209.4465. An inmate that meets certain  
19 qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month  
20 the offender serves." NRS 209.4465(1).

21 So long as a qualifying inmate does not violate any laws or prison regulations, he is entitled  
22 to 20 good-time credits per month under NRS 209.4465. Mr. Sanchez's credit history shows that the  
23 NDOC has awarded him his good-time credits per month for every month he has been incarcerated,  
24 including for the jail credits awarded in the judgment of conviction. Thus, the Court finds that Mr.  
25 Sanchez is not entitled to additional days good time credit because he has been properly given all of  
26 his time.

1 **Mr. Sanchez was awarded pre-sentence credit**

2 Mr. Sanchez alleges he is entitled to 202 days pre-sentence credit. However, a review of Mr.  
3 Sanchez's record shows that Mr. Sanchez was awarded this credit. Thus, Mr. Sanchez is not entitled  
4 to any additional credit. Any challenge to the amount of pre-sentence credit awarded must be  
5 addressed with the sentencing court.

6 **The Court Denies Mr. Sanchez's Petition Regarding Work Credits**

7 Mr. Sanchez also claims that he is entitled to work credits because he is willing to work or  
8 attend educational programs. The issuance of work credits is governed by NRS 209.4465(2) which  
9 states:

10 2. In addition to the credits allows pursuant to subsection 1, the Director may  
11 allow not more than days of credit each month for an offender whose  
12 diligence in labor and study merits such credits.

13 The court notes that "Both NRS 209.433(3) and NDOP Administrative Regulation 714 (III)  
14 make the granting of Work Time Credit discretionary [,] which merely creates a possibility of early  
15 release." Cooper v. Sumner, 672 F. Supp. 1361, 1367 (D. Nev. 1987). Because Mr. Sanchez only  
16 claims that he has been denied the right to earn work credit, this argument fails. Mr. Sanchez has no  
17 constitutionally protected liberty interest in earning work credit, and he is not entitled to any more  
18 credit than he does not work to earn. Since Mr. Sanchez has not submitted proof that he has earned  
19 any work credits, Mr. Sanchez is not entitled to any additional work credits.

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III. Conclusion

Mr. Sanchez is entitled to additional credits for his sentence from his category B felony, as his category B felony does not specify parole eligibility pursuant to Williams and was committed before 2006. Mr. Sanchez has already received credit against his maximum sentence and has received his pre-sentence credit. Mr. Sanchez is not entitled to work credits for work not performed. Therefore, the Court grants Mr. Sanchez's petition for additional credits off the minimum, but denies the rest of his petition.

DATED this day of October 19, 2018.

  
LINDA MARIE BELL  
DISTRICT COURT JUDGE

BN

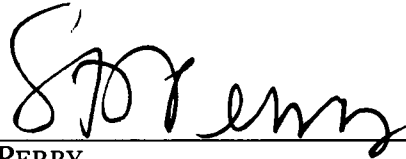
LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII

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**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
Luis Sanchez c/o High Desert State Prison	Petitioner
Natasha M. Gebrael, 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 A775677 **DOES NOT** contain the social security number of any person.

/s/ Linda Marie Bell  
District Court Judge

09/16/2018  
Date

DISTRICT COURT  
CLARK COUNTY, NEVADA

Writ of Habeas Corpus

COURT MINUTES

October 09, 2018

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A-18-775677-W      Luis Sanchez, Plaintiff(s)  
vs.  
High Desert State Prison, Defendant(s)

---

October 09, 2018      09:00 AM      Petition for Writ of Habeas Corpus

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Courtroom 17A

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

No parties present.

Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). He was convicted of a category B felony with an offense date spanning May 2016 through January 2013. Plaintiff has received appropriate credits off of his maximum sentence. Since Plaintiff was charged with a time span that includes pre July 2007 he is entitled to credit off of the minimum sentence for the category B felony. Additionally, the record reflects Plaintiff was appropriately awarded and received 202 days of jail credit. Finally, Plaintiff has no constitutional liberty interest in credit for work not performed and is not entitled to work not performed. COURT ORDERED, petition GRANTED IN PART and DENIED IN PART, order SIGNED IN OPEN COURT.



# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, 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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; NOTICE OF ENTRY OF  
ORDER; DISTRICT COURT MINUTES

LUIS SANCHEZ,

Plaintiff(s),

vs.

HIGH DESERT STATE PRISON; OFFENDER  
MANAGEMENT DIVISION; STATE OF  
NEVADA,

Defendant(s),

Case No: A-18-775677-W

Dept No: VII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 6 day of December 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

HIGH DESERT STATE PRISON;  
NEVADA STATE OF; AND  
OFFENDER MANAGEMENT  
DIVISION,

Appellants,

v.

LUIS SANCHEZ,

Respondent.

Case No. 77622

Electronically Filed  
Dec 24 2018 09:16 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**CERTIFICATE THAT NO TRANSCRIPT IS BEING REQUESTED**

Notice is hereby given that Appellants are not requesting the preparation of transcripts for this appeal.

Dated this 24<sup>th</sup> day of December 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Ashley Balducci  
Ashley A. Balducci (Bar No. 12687)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave, Ste. 3900  
Las Vegas, Nevada 89101  
(702) 486-3086

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the *Certificate That No Transcript Is Being Requested* with this Court's electronic filing system and consistent with NEFCR 9 on December 24, 2018.

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 as 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:

Luis Richard Sanchez, # 1108190  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, Nevada 89070-0650

/s/ M. Landreth  
An employee of the Office of the Attorney General

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

**INDICATE FULL CAPTION:**

HIGH DESERT STATE PRISON;  
OFFENDER MANAGEMENT DIVISION;  
STATE OF NEVADA,

Appellants,

vs.

LUIS RICHARD SANCHEZ,  
Respondent.

No. 77622      Electronically Filed  
Dec 27 2018 11:34 a.m.  
**DOCKETING STATEMENT**  
**CRIMINAL APPEALS**  
Elizabeth A. Brown  
Clerk of Supreme Court

(Including appeals from pretrial and post-conviction  
rulings and other requests for post-conviction relief)

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions.

1. Judicial District Eighth

County Clark

Judge Hon. Linda Marie Bell

District Ct. Case No. A-18-775677-W

2. If the defendant was given a sentence,

(a) what is the sentence?

n/a

(b) has the sentence been stayed pending appeal?

n/a

(c) was defendant admitted to bail pending appeal?

n/a

3. Was counsel in the district court appointed ☐ or retained ☐ ?

4. Attorney filling this docketing statement:

Attorney Ashley A. Balducci

Telephone 702-486-3086

Firm State of Nevada - Office of the Attorney General

Address: 555 E. Washington Avenue Ste. 3900  
Las Vegas, NV 89101

Client(s) Appellants, High Desert State Prison, et al.

5. Is appellate counsel appointed ☐ or retained ☒ ?

**If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.**

**6. Attorney(s) representing respondent(s):**

Attorney Pro Se Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address: \_\_\_\_\_

Client(s) \_\_\_\_\_

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address: \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**7. Nature of disposition below:**

- |  |   |
|--|---|
| <input type="checkbox"/> Judgment after bench trial            | <input type="checkbox"/> Grant of pretrial habeas                         |
| <input type="checkbox"/> Judgment after jury verdict           | <input type="checkbox"/> Grant of motion to suppress evidence             |
| <input type="checkbox"/> Judgment upon guilty plea             | <input checked="" type="checkbox"/> Post-conviction habeas (NRS ch. 34)   |
| <input type="checkbox"/> Grant of pretrial motion to dismiss   | <input checked="" type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/probation revocation           | <input type="checkbox"/> Other disposition (specify):                     |
| <input type="checkbox"/> Motion for new trial                  |   |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |   |
| <input type="checkbox"/> Motion to withdraw guilty plea        |   |
| <input type="checkbox"/> grant <input type="checkbox"/> denial |   |

**8. Does this appeal raise issues concerning any of the following:**

- |   |  |
|---|--|
| <input type="checkbox"/> death sentence | <input type="checkbox"/> juvenile offender |
| <input type="checkbox"/> life sentence  | pretrial proceedings                       |
|   | <input type="checkbox"/>                   |

**9. Expedited appeals:** The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

- ☐ Yes      ☒ No

**10. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

Norman Smith v. Isidro Baca, Warden, Supreme Court No. 71984

Brian Williams, et al. v. Preston Jakes, Supreme Court No. 77128

The above-referenced cases are similar to the instant matter in that they involve convictions based on a course of conduct continuing after the amendments to NRS 209.4465.

**11. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

Sanchez v. High Desert State Prison, A-18-775677-W, Eighth Judicial District Court

**12. Nature of action.** Briefly describe the nature of the action and the result below:

Sanchez is serving an aggregate sentence comprised of two convictions for Attempt Lewdness with a Child Under the Age of 14, based on a continuing course of conduct committed on or between May 8, 2006 and January 31, 2013, against his two minor step-daughters. Sanchez filed pro se a Petition for Writ of Habeas Corpus challenging the computation of his time pursuant to NRS 34.720(2). Upon the order of the district court, Appellant filed a response. Appellant argued, the issue pertinent to this appeal, that this Court's unpublished decision in Smith v. Baca, 71984, 408 P.3d 548, 2017 WL 6542450 (Nev. December 14, 2017) precludes application of good time credits against his minimum sentence pursuant to NRS 209.4465(8)(b) and (d) because Sanchez continued his course of conduct after the amendments to NRS 209.4465. The district court partially granted Sanchez's request for good time credits against his minimum sentence pursuant to this Court's decision in Williams v. State Dep't of Corr., 402 P.3d 1260 (Nev. 2017), but denied his other challenges to his computation of time.

**13. Issues on appeal.** State specifically all issues in this appeal (attach separate sheets as necessary):

Whether the district court erred in partially granting a petition for writ of habeas corpus for an inmate's convictions based on a continuing course of conduct pursuant to Williams v. State Dep't of Corr., 402 P.3d 1260 (Nev. 2017) that would not otherwise be entitled to good time off the minimum term pursuant to NRS 209.4465(8)(b) and (d)?

**14. Constitutional issues:** If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**15. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Although this case may be assigned to the Court of Appeals (NRAP 17(b)(4)), this Court should retain the case because it involves an issue which the Court has never resolved in a published opinion and which will likely arise in future cases, i.e., the application of good time credits against a minimum sentence for an offense based on a course of conduct continuing after the amendments to NRS 209.4465 that preclude good time credits against the minimum sentence.

**16. Issues of first impression or of public interest.** Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest?

First impression:    ☐ Yes                      ☒ No

Public interest:       ☐ Yes                      ☒ No



17. **Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

\_\_\_\_\_ days

18. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

☐ Yes            ☒ No

**TIMELINESS OF NOTICE OF APPEAL**

19. Date district court announced decision, sentence or order appealed from 10/9/2018

20. Date of entry of written judgment or order appealed from 11/26/2018

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

21. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery ☒ or by mail ☐

22. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (newly discovered evidence) \_\_\_\_\_ Date filed \_\_\_\_\_

New trial (other grounds) \_\_\_\_\_ Date filed \_\_\_\_\_

(b) Date of entry of written order resolving motion \_\_\_\_\_

23. Date notice of appeal filed 12/5/2018

24. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other

NRAP 4(b)

### SUBSTANTIVE APPEALABILITY

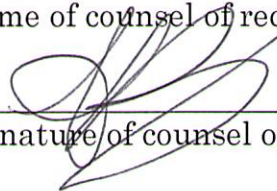
25. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.560(2) Appeal from grant of writ _____
NRS 177.015(3) _____	Other (specify) NRAP 3A(b)(1) _____
NRS 177.055 _____	

### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

Brian Williams, et al.  
\_\_\_\_\_  
Name of appellant  
  
12/27/2018  
\_\_\_\_\_  
Date

Ashley A. Balducci  
\_\_\_\_\_  
Name of counsel of record  
  
  
\_\_\_\_\_  
Signature of counsel of record

### CERTIFICATE OF SERVICE

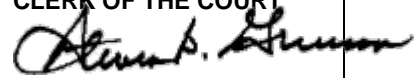
I certify that on the 27<sup>th</sup> day of December 2018, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Luis Richard Sanchez, #1108190  
c/o High Desert State Prison  
P.O. Box 650, Indian Springs, Nevada 89070-0650

Dated this 27<sup>th</sup> day of December, 20 18 .

  
\_\_\_\_\_  
Signature



MSTY  
AARON D. FORD  
Attorney General  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
(702) 486-2625 (phone)  
(702) 486-2377 (fax)  
NGebrael@ag.nv.gov  
*Attorneys for Respondents*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, *et al.*,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

**MOTION FOR STAY PENDING APPEAL**

Respondent moves for a stay of this Court's November 26, 2018 order pending Respondent's appeal to the Nevada Supreme Court. This motion is made and based on Nevada Rule of Appellate Procedure (NRAP) 8, the following memorandum of points and authorities, and all other papers and materials presented to the Court.

DATED February 1, 2019.

AARON D. FORD  
Attorney General

By: /s/ Natasha M. Gebrael  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **BACKGROUND**

4 Luis Sanchez (Sanchez) is an inmate in the lawful custody of the Nevada Department of  
5 Corrections (NDOC), currently housed at High Desert State Prison. Sanchez is serving sentences arising  
6 from a 2013 Judgment of Conviction entered by the Eighth Judicial District Court in case no. C288664.  
7 On May 23, 2018, Sanchez filed a Petition for Writ of Habeas Corpus (Petition) challenging NDOC's  
8 computation of time under NRS Chapter 209. On October 9, 2018, this Court granted Sanchez's Petition  
9 in part and denied it in part. This Court indicated that Sanchez was entitled to statutory good time credits  
10 to be applied against his parole eligibility, but denied that NDOC was incorrectly computing his time as  
11 to his maximum sentence, pre-sentence credit, and work credit. The Court entered its Decision and Order  
12 on November 26, 2018. Respondents have filed a timely notice of appeal of this Court's Order with the  
13 Nevada Supreme Court. Respondents respectfully request this Court grant their request to stay the Court's  
14 order pending the decision of the Nevada Supreme Court as to credits against Sanchez's minimum  
15 sentence.

16 **II.**

17 **ARGUMENT**

18 In considering a motion to stay, this Court must consider: (1) whether the object of the appeal  
19 will be defeated if the stay is denied; (2) whether the petitioner will suffer irreparable or serious injury if  
20 the stay is granted; (3) whether the respondent will suffer irreparable or serious injury if the stay is denied;  
21 and (4) whether the respondent/appellant is likely to prevail on the merits in the appeal. NRAP 8(c);  
22 *Hansen v. Eighth Judicial Dist. Court ex rel. County of Clark*, 116 Nev. 650, 657, (2000); *see also State*  
23 *v. Powell*, 122 Nev. 751, 757-58 (2006) (finding that rules governing civil cases generally apply in habeas  
24 proceedings "to the extent that they are not inconsistent with NRS 34.360 to 34.830"). Each factors  
25 weighs in favor of granting Respondent's motion for a stay.

26 **A. The Object of Respondent's Appeal Will Be Defeated if This Court Denies a Stay.**

27 Respondents have appealed from this Court's Order granting in part Sanchez's Petition and  
28 ordering that he is entitled to have statutory credits applied to his minimum sentence. The object of

1 Respondents’ appeal is to establish that Sanchez is not entitled to this application of statutory credits, and  
2 thus not yet eligible for parole. A stay pending appeal is necessary here in order to prevent Respondents’  
3 appeal from becoming a “meaningless and merely ritualistic process.” *Tate v. State, Bd. Of Medical*  
4 *Exam’rs*, \_\_ Nev. \_\_, 356 P.3d 506, 510 (Sept. 10, 2015) (noting the possibility that, in the absence of a  
5 stay or injunction, the district court’s order would be implemented before the appellate court could  
6 judicially review the case).

7 In *Williams v. State Dep’t of Corr.*, 402 P.3d 1260 (Nev. 2017), the Nevada Supreme Court held  
8 that for offenses with minimum-maximum statutes committed prior to the 2007 amendments to NRS  
9 Chapter 209, application of statutory credits can be applied to an inmate’s parole eligibility. However,  
10 the Nevada Supreme Court explicitly stated that its decision in *Williams* does not affect the application  
11 of credits against sentences for offenders who committed their crimes after July 1, 2007.<sup>1</sup> This is because  
12 the language of the applicable credit statutes—NRS 209.4465 and NRS 213.120—was amended in 2007,  
13 negating the analysis applied in *Williams*. In *Smith v. Baca*, the Nevada Supreme Court held that where  
14 an offense is continuing in nature, and the offense began before the 2007 amendments to Chapter 209 but  
15 continued to occur *after* the 2007 amendments, NRS 209.4465(8) will apply to the offense. 408 P.3d 548  
16 (Nev. 2017) (unpublished disposition).

17 Here, Respondents argued that Sanchez’s offenses were continuing in nature, and continued  
18 beyond the amendments to NRS Ch. 209. Thus, he would not be eligible for credits against his minimum  
19 sentence. This Court should grant the stay because it greatly impacts the exact issue Respondents argue  
20 on appeal, as the crux of Respondents’ argument is that Sanchez is not entitled to credit against his  
21 minimum sentence. Denying a stay will result in credits being applied to Sanchez’s minimum sentence  
22

---

23 <sup>1</sup> The Nevada Supreme Court stated in footnote 7 of their opinion,

24 **Our interpretation of NRS 209.4465(7)(b) applies only to crimes**  
25 **committed on or between July 17, 1997 (the effective date of NRS**  
26 **209.4465) and June 30, 2007 (the effective date of NRS 209.4465(8)).**  
27 Because the application of credits under NRS 209.4465(7)(b) only serves  
28 to make an offender eligible for parole earlier, no relief can be afforded  
where the offender has already expired the sentence, . . . , or appeared  
before the parole board on the sentence, *see Niergarth v. Warden*, 105 Nev.  
26, 29, 768 P.2d 882, 883–84 (1989) (recognizing no statutory authority or  
caselaw allowing for retroactive grant of parole).

*Williams v. State Dep’t of Corr.*, 402 at 1265 (emphasis added).

1 and potentially result in a parole hearing well before Sanchez would otherwise be allowed a parole  
2 hearing and serving a much shorter minimum than intended. Accordingly, the first factor weighs heavily  
3 in Respondents' favor.

4 **B. Respondents Will Suffer Irreparable Injury if the Stay is Denied.**

5 Denying Respondents a stay pending appeal would render Sanchez eligible for release into the  
6 community approximately seven years before the sentencing court intended. However, granting  
7 Respondents' motion temporarily maintains the status quo in this case, with Sanchez remaining  
8 incarcerated under a valid judgment of conviction while the Nevada Supreme Court determines his parole  
9 eligibility. This avoids irreparable harm to Respondents, with minimal, if any harm to Sanchez. For those  
10 inmates granted relief, the parole board will have to decide how to proceed, even while the inmate's  
11 eligibility for parole is actively in dispute.

12 Sanchez cannot claim that he would suffer irreparable harm if a stay is granted as Sanchez does  
13 not have any liberty interest in parole or the "hope of release on parole." *State, ex rel. Bd. of Parole*  
14 *Com'rs v. Morrow*, 127 Nev. 265, 272, 255 P.3d 224 (2011); *see also Niergarth v. State*, 105 Nev. 26,  
15 28, 768 P.2d 882, 883 (1989) ("Because a prisoner has no due process right to clemency, a change in the  
16 method of determining how a statutory grant of clemency will be administered does not implicate a  
17 constitutionally protected interest").

18 The risk of Sanchez's premature and unearned release to the community clearly outweighs any  
19 hope Sanchez has of release on parole should this Court's order take immediate effect. Accordingly, the  
20 second and third factors weigh in favor of granting Respondents' motion.

21 **C. Respondents Have A Likelihood Of Success On The Merits.**

22 A movant need not "show a probability of success on the merits" so long as the movant "present[s]  
23 a substantial case on the merits when a serious legal question is involved and ... the balance of equities  
24 weighs heavily in favor of granting the stay." *Hansen*, 116 Nev. at 659 (citing *Ruiz v. Estelle*, 650 F.2d  
25 555, 565 (5th Cir. 1981)).

26 The Nevada Supreme Court opinion in *Smith* offers insight that the Court would potentially view  
27 a continuing offense as ineligible for credits against a minimum sentence for offenses that began prior to  
28 the amendments to NRS Ch. 209 and continued after the amendments. Moreover, the Nevada Supreme

1 Court has held that child abuse and/or molestation is a pattern of behavior and not typically a single act,  
2 *i.e.* a continuing offense. *Rimer v. State*, 351 P.3d 697, 707 (Nev. 2015). Accordingly, Respondents  
3 present a substantial case that for offenses which involve continuous sexual assaults which occurred prior  
4 to and after the amendments to NRS Ch. 209, those inmates would not be entitled to credit against their  
5 minimum sentences.

6 In addition to presenting a substantial case, principles of equity favor granting Respondents'  
7 motion for a stay. While some petitioners, like Sanchez, received relief in the district court, a majority of  
8 the pending appeals are by petitioners *denied* relief in the district courts. A stay temporarily keeps  
9 petitioners like Sanchez on equal footing with the numerous petitioners denied relief and allows the  
10 NDOC to consistently apply NRS 209.4465 to the sentences in question until final guidance is provided  
11 by the Nevada Supreme Court. As a result, the final factor weighs in favor of granting Respondents'  
12 motion for a stay.

### 13 III.

### 14 CONCLUSION

15 For the foregoing reasons, Respondents respectfully request this Court stay enforcement of its  
16 November 26, 2018 Decision and Order, while Respondents' appeal is pending in the Nevada Supreme  
17 Court.

18 Respectfully submitted February 1, 2019.

19 AARON D. FORD  
20 Attorney General

21 By: /s/ Natasha M. Gebrael  
22 Natasha M. Gebrael (Bar No. 14367)  
23 Deputy Attorney General  
24  
25  
26  
27  
28

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: February 1, 2019

AARON D. FORD  
Attorney General

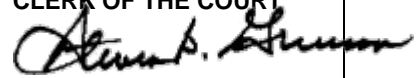
By: /s/ Natasha M. Gebrael  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General



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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth  
An employee of the Office of the Attorney General



1 **NOTM**  
2 AARON D. FORD  
3 Attorney General  
4 Natasha M. Gebrael (Bar No. 14367)  
5 Deputy Attorney General  
6 State of Nevada  
7 Office of the Attorney General  
8 555 E. Washington Ave., Ste. 3900  
9 Las Vegas, Nevada 89101-1068  
10 (702) 486-2625 (phone)  
11 (702) 486-2377 (fax)  
12 NGebrael@ag.nv.gov  
13 Attorneys for Respondents

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 LUIS SANCHEZ,

11 Petitioner,

12 vs.

13 HIGH DESERT STATE PRISON, *et al.*,

14 Respondents.

Case No. A-18-775677-W

Dept. No. VII

16 **NOTICE OF MOTION**

17 TO: LUIS SANCHEZ, Petitioner:

18 YOU WILL PLEASE TAKE NOTICE that the Respondents' Motion to Stay Judgment Pending  
19 Appeal in the above-entitled matter will come on for hearing before the above entitled Court on the  
20 04 day of April 2019, at In Chambers o'clock .m. of said Court.

21 DATED February 26, 2019.

22 AARON D. FORD  
23 Attorney General

24 By: /s/ Natasha M. Gebrael  
25 Natasha M. Gebrael (Bar No. 14367)  
26 Deputy Attorney General  
27  
28

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: February 26, 2019

AARON D. FORD  
Attorney General

By: /s/ Natasha M. Gebrael  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General

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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth  
An employee of the Office of the Attorney General

IN THE SUPREME COURT OF THE STATE OF NEVADA

HIGH DESERT STATE PRISON;  
NEVADA STATE OF; AND  
OFFENDER MANAGEMENT  
DIVISION,

Appellants,

v.

LUIS SANCHEZ,

Respondent.

Electronically Filed  
Apr 11 2019 11:26 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 77622

**NOTICE OF WITHDRAWAL OF ATTORNEY**

The State of Nevada, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, NATASHA MARY GEBRAEL, Deputy Attorney General, and ASHLEY ALEXANDRIA BALDUCCI, Deputy Attorney General, hereby notifies the Court and respective parties to this action that Deputy Attorney General Natasha Mary Gebrael has assumed responsibility for representing the interests of the named appellants, the Attorney General of the State of Nevada, and the interests of the State of Nevada in the above-entitled action.

Solicitor General Heidi Parry Stern and Deputy Attorney General Ashley Alexandria Balducci should be removed from notices on this case and all future pleadings and notices should be directed to:

///

Natasha M. Gebrael  
Office of the Nevada Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
NGebrael@ag.nv.gov

DATED this 10th day of April, 2019.

AARON D. FORD  
Attorney General

By: /s/ Natasha Gebrael  
Natasha M. Gebrael (Bar. No. 14367)  
Deputy Attorney General  
Office of the Nevada Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, NV 89101  
NGabrael@ag.nv.gov

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Notice of Withdrawal of Attorney* in accordance with this Court's electronic filing system and consistent with NEFCR 9 on April 10, 2019.

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 as 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:

Luis Richard Sanchez, #1108190  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070-0650

/s/ C.Ross

An employee of the Office of the Attorney General

# Exhibit 5

## Arrest Report



## LAS VEGAS METROPOLITAN POLICE DEPARTMENT

## ARREST REPORT

☒ City☐ County☒ Adult☐ JuvenileSector/Beat G1

ID/EVENT# <b>2668207</b>	ARRESTEE'S NAME (Last) <b>Sanchez</b>	(First) <b>Luis</b>	(Middle) <b>Richard</b>	S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) <b>2751 Mountain Vista apt C, Las Vegas, NV 89121</b>				
CHARGES <b>Lewdness With Minor Under 14 Years of Age (3 counts)</b>				
OCURRED <b>2005-2008</b>	DATE <b>2005-2008</b>	DAY OF WEEK <b>=</b>	TIME <b>-</b>	LOCATION OF ARREST (Number, Street, City, State, Zip Code) <b>701 N. Pecos, Las Vegas, NV 89101</b>
RACE <b>H</b>	SEX <b>M</b>	D.O.B. <b>10/13/19</b>	HT. <b>5'5"</b>	WT. <b>150</b>
HAIR <b>Black</b>		EYES <b>Brown</b>	PLACE OF BIRTH <b>Las Vegas, NV</b>	

ARRESTING OFFICER #1: <b>N. Madsen</b>	PH: <b>7315</b>	ARRESTING OFFICER #2:	PH:
CONNECTING REPORTS (Type or Event Number) <b>130215-2491; RFP/WL/DIW/TCR/DOA/ICR/CPS report/Voluntary Statements</b>			

APPROVED BY (PRINTED NAME): G4132S

## CIRCUMSTANCES OF ARREST:

On February 15, 2013, Clark County CP6 Hotline received a report from a counselor at Chaparral High School, alleging a student at that school may have been sexually abused by her stepfather. School personnel reported the following: [REDACTED] (05/18/95)" reported that her stepfather sexually abused her. She reported that her younger sister [REDACTED] is now being victimized by their stepfather. [REDACTED] said her mother is aware of the abuse but does not report it for fear of being deported to Mexico. [REDACTED] and [REDACTED] are absent from school a great deal. [REDACTED] recently came to school after a lengthy absence. When she returned, she said things are "getting worse at home." [REDACTED] explained that her mother has started drinking again, and her mother and stepfather are fighting because he is "too creepily close" to [REDACTED]. [REDACTED] explained that [REDACTED] and her stepfather, Luis, are always kissing each other and are always extremely close to each other, physically. [REDACTED] said she was worried because her stepfather sexually abused her several years earlier, but she would not give details as to this abuse. After that happened, she got "headstrong" and he stopped messing with her. [REDACTED] also had concerned that her stepsisters, who live out of state, may have also been sexually abused by Luis. For more detail concerning this report, refer to Clark County CPS referral number 1567707.

Clark County CPS Specialist Stacy Scott received the case and immediately notified me of the report, as I was the on-duty Detective for the LVMPD Sexual Abuse Detail. As we had reason to believe [REDACTED] and [REDACTED] were in the care of the alleged perpetrator, Scott and I immediately went to the family's home address. When we arrived, we saw a teenage girl sitting on the staircase outside the door to the apartment. We identified ourselves and asked her name. She identified herself as [REDACTED]. She explained that her mother, sister, and stepfather were out running errands and she was locked out of the apartment. We explained that we needed to speak with her about a report involving her, and she said she knew why we were there. She explained that she wanted to talk to someone who could help her, but she was afraid to talk because she did not want it to be her fault if her family had to be "separated." We explained that we would contact her family and ask them to meet us at our office. Scott then took A [REDACTED] into protective custody and we all went to the Southern Nevada Children's Assessment Center (SNCAC).

## CONTINUATION REPORT

ID/EVENT #: 2668207

When we arrived at SNCAC, Forensic Interviewer Michele Fisher conducted a taped forensic interview with [REDACTED]. The interview will be sent for priority transcription and is summarized within this Declaration. Refer to forthcoming transcripts for specific detail. During the interview, [REDACTED] provided her name and said she was born on [REDACTED]. Fisher engaged [REDACTED] in a brief period of rapport building and sustained narrative dialogue, asking [REDACTED] to speak about her life and hobbies. Fisher then went over several ground rules for the interview, including the importance of telling only the truth during the interview. [REDACTED] said she understood and agreed to follow the ground rules. When Fisher asked why [REDACTED] was brought to speak with her, [REDACTED] said it was because her stepfather had done something "not right for a father to do to a daughter." She again said she wanted to talk about what had happened, but she was afraid to do so because she did not want to be responsible for her family separating or her mother being deported to Mexico. [REDACTED] eventually explained that she had been uncomfortable with her stepfather, starting when she was around 12 or 13 years old. [REDACTED] stated that her father would always tickle her "hips and chest," but he would tickle too close to what [REDACTED] felt were inappropriate areas on her body. She then explained that, around the same time, she would often be aware of someone whispering near her ear as she slept. She said the voice would often whisper suggestive things to her, such as asking her if she was touching herself while she slept and if she "plays" with herself. [REDACTED] said she became convinced that there were "ghosts" in her house, whispering these things to her.

[REDACTED] then recounted an incident that occurred one day during the same time period, when she lived with her family at the Shelter Island apartments. [REDACTED] said her mother left the residence and [REDACTED] was sitting on the couch with her stepfather, watching television. As they were watching television together, Luis put his left arm around [REDACTED] resting his left hand on her left shoulder. He soon began tickling under her armpit and on her side. His hand then slid around her side and began tickling and touching her breasts. **(LEWDNESS WITH A MINOR UNDER 14 - count 1)** [REDACTED] said at this point she felt like she was outside of her body, watching what was happening to her. She kept having the thought, "This is my dad...why is he doing this?" [REDACTED] said she later understood that Luis was trying to "arouse" her body by touching her the way he was. [REDACTED] said Luis then slid his hand down from her chest, inside the gym shorts and underwear she was wearing. Luis then proceeded to rub two fingers in a "circular motion" on her "clit area." **(LEWDNESS WITH A MINOR UNDER 14 - count 2)** [REDACTED] said he rubbed her clit for about five seconds. She said she "got wet" and felt her vagina start to "pulse." At the same time, Luis was kissing [REDACTED] neck and "nibbling" and "licking" her neck and ear. **(LEWDNESS WITH MINOR UNDER 14 - count 3)** According to [REDACTED] he also whispered in her ear that "He wanted to taste me...he wondered how my pussy tastes." [REDACTED] friend then walked by the window to the family's apartment, so Luis quickly removed his hand. [REDACTED] jumped up from where she was sitting and opened the door. Her friend asked if she wanted to go outside to play, so [REDACTED] went with her.

[REDACTED] later told her mother, Maria, what had happened. Maria started screaming at Luis, who denied everything and said [REDACTED] was lying. Maria said she was going to take her children and move back to Mexico. The next day, [REDACTED] went to school. When she returned home, her mother and stepfather were again fighting. However, Luis eventually convinced Maria that nothing had happened. He convinced her that [REDACTED] made the whole thing up to split up her parents. [REDACTED] then talked about one other incident, when Luis was drawing a "fake tattoo" on her leg. Although he did not actually touch her genitals at that time, [REDACTED] felt he was sliding his hand up her thigh in an attempt to touch her again, so she kept pulling her leg away from him. [REDACTED] then talked at length about the relationship between her little sister, [REDACTED] and Luis. Although [REDACTED] had never seen Luis abuse or "molest" [REDACTED] in any way, [REDACTED] and her mother both felt that Luis treats [REDACTED] more like a girlfriend than a daughter. [REDACTED] said she and her mother both felt that

## CONTINUATION REPORT

ID/EVENT #: 2668207

Luis and [REDACTED] would kiss, hug, and touch each other more frequently and more intimately than is appropriate for a father and daughter.

After this interview, Scott placed [REDACTED] into protective custody at Child Haven. While she did that, I called Maria and asked her to bring her other children to the SNCAC. Maria agreed to do so. When they arrived, Scott and I conducted a taped interview with Maria "Lucy" Rodriguez. The interview will be sent for priority transcription and is summarized within this Declaration. Refer to forthcoming transcripts for specific detail. During this interview, Maria talked about the fight the family had the preceding weekend. According to Maria, she felt Luis and 14 year old [REDACTED] were too close and acted inappropriately with one another. She demanded the two make a conscious effort to stop touching each other so much. I then asked if there had been any previous incidents where she confronted Luis over allegations made by [REDACTED]. Maria initially said she did not remember anything like that. I explained to her that we needed her to be honest with us in order for her to help her family. Maria then told me that [REDACTED] used to complain that she felt like someone was "getting close to her" when she was sleeping. Maria later said that [REDACTED] did tell her that Luis had touched her vagina inside her underwear with his hand. Maria said she remembered yelling at Luis, who denied everything. They all started yelling at each other, so Maria decided to confront Luis again the next day when the children were gone to school. Maria was going to move the children away, but Luis convinced her that nothing had happened, so she stayed. Maria said she never saw anything else happen between Luis and [REDACTED]. However, she said she was concerned that [REDACTED] and Luis are "too affectionate" with each other.

After this interview, Scott conducted a taped forensic interview with [REDACTED]. [REDACTED] made no disclosures of being sexually abused by Luis. Refer to Scott's interview and pending transcription for more detail.

While Scott was conducting this interview, I contacted Luis and asked him to come to SNCAC for an interview. He agreed to come in and, at 2000 hours, I conducted a taped interview with him. This interview will be sent for priority transcription and is summarized within this Declaration. Refer to forthcoming transcripts for specific detail. Luis identified himself as Luis Richard Sanchez, date of birth 10/13/68, social security number [REDACTED]. I advised Luis of his Miranda Rights, reading directly from my pre-printed LVMPD 148 card. Luis said he understood and he continued speaking with me. Luis initially denied all allegations. He seemed extremely nervous and jumpy and was sweating profusely from the very beginning of the interview. I eventually asked him if he had recently used methamphetamine. Luis admitted he had dropped his wife and children off to meet with Scott and me, and had then returned home to finish some cement work. When I called and asked him to come back to speak with me, he used the remainder of a bag of meth he had in the house, then drove to my office. Luis said he did not have any good reason for deciding to do this.

Luis eventually admitted that he had inadvertently "grabbed" and "tickled" [REDACTED]'s vagina when she was about 10 years old. He said they had been play fighting and tickling each other while a blanket was over them. At one point, when A [REDACTED] was wrapped up in the blanket, Luis was grabbing and tickling her when she started to "freak out." It was then he realized he was touching her vagina. He said he stopped touching her immediately. He then said he told his wife as soon as he saw her. However, when I pointed out that his wife said she confronted him first, he agreed that she had asked him about it before he told her about it. I repeatedly confronted Luis about the inconsistencies in his statement as well as the differences between his claims and [REDACTED]'s allegations. Luis alternated between saying he did not touch [REDACTED] in the way that she claimed and saying that he did not remember if he ever touched her the way she claimed. At one point, Luis said he may have forgotten touching her that way because of his years of drug use. Soon after that, Luis said

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/EVENT #: 2668207

█'s recollection was probably better than his, and that whatever she was saying must have been what really happened. At 2200 hours, I placed Luis under arrest for three counts of Lewdness With a Minor Under 14 Years of Age. Patrol units assisted with the arrest and transported Luis to CCDC, where he was booked on the enumerated charges.

# Exhibit 6

Smith v. Baca, 408 P.3d  
548 (Nev. 2017)

408 P.3d 548 (Table)

Unpublished Disposition

This is an unpublished disposition. See Nevada Rules of Appellate Procedure, Rule 36(c) before citing. Supreme Court of Nevada.

Norman SMITH, Appellant,

v.

Isidro BACA, Warden, Respondent.

No. 71984

|

FILED DECEMBER 14, 2017

**Attorneys and Law Firms**

Norman Smith

Attorney General/Carson City

Attorney General/Las Vegas

**ORDER OF AFFIRMANCE**

\*1 This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> First Judicial District Court, Carson City; James Todd Russell, Judge.

Appellant Norman Smith argues that the credits he has earned pursuant to NRS 209.4465 must be applied to his parole eligibility as provided in NRS 209.4465(7)(b) (1997). We disagree.

Smith pleaded guilty to felony offenses in two different district court cases. He first pleaded guilty to child abuse and neglect with substantial bodily harm or mental injury and received a sentence of 96 to 240 months. A few years later, he pleaded guilty to attempted sexual assault of a minor under 14 years of age and received a sentence of 36 to 120 months, which he is to serve consecutively to the child-abuse sentence. The record indicates that Smith is currently serving the sentence for child abuse. Thus, the issue before us is whether NRS 209.4465(7)(b) requires that the credits he earns under NRS 209.4465 be applied to his parole eligibility on that sentence. We conclude that it does not, by virtue of NRS 209.4465(8).

The State alleged Smith's abusive conduct as a single offense based on a continuing course of conduct. According to the charging document, Smith abused the victim from January 1, 2007, through December 31, 2011. During that time, the Legislature added subsection 8 to NRS 209.4465. 2007 Nev. Stat., ch. 525, § 5, at 3177. Because child abuse is a continuing offense, *Rimer v. State*, 131 Nev., Adv. Op. 36, 351 P.3d 697, 706–07 (2015) (addressing issue for purposes of statute of limitations), and Smith's conduct continued after the enactment of subsection 8 in 2007, that provision applies to him. See *State v. Helmer*, 203 Ariz. 309, 53 P.3d 1153 (Ariz. Ct. App. 2002) (holding that failure to register as a sex offender is a continuing offense and therefore statutory amendment that increased the sentence for that offense could be applied to defendant without violating ex post facto principles where defendant's conduct continued after the amendment); *People v. Chilelli*, 225 Cal.App.4th 581, 170 Cal.Rptr.3d 395 (Ct. App. 2014) (holding that stalking is a continuing offense and therefore statutory amendment that reduced presentence conduct credits could be applied to the defendant without violating ex post facto principles where the defendant's conduct continued after the amendment). Subsection 8 of NRS 209.4465 provides that credits earned under NRS 209.4465 cannot be applied to parole eligibility on a sentence for a category B felony. The child-abuse offense in this case is a category B felony. NRS 200.508(1)(a)(2). As such, NRS 209.4465(8) provides that the credits Smith has earned under NRS 209.4465 *cannot* be applied to his parole eligibility on the sentence for that offense. The district court therefore did not err in denying relief.<sup>2</sup>

\*2 Smith suggests that depriving him of credits against his parole eligibility based on the date of his offense violates equal protection principles. We disagree. The Equal Protection Clause “is essentially a direction that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr., Inc.*, 473 U.S. 432, 439, 105 S.Ct. 3249, 87 L.Ed.2d 313 (1985). When a statute implicates a suspect classification or a fundamental right, it is subject to strict scrutiny. *Id.* at 440, 105 S.Ct. 3249. The classification at issue here is the date that an offense was committed, which Smith has not demonstrated is a suspect classification under the Equal Protection Clause. And the right at issue, earlier parole eligibility, is not a fundamental right for purposes of the Equal Protection Clause, *Michael v. Ghee*, 498 F.3d 372, 379 (6th Cir. 2007); *Glauner v. Miller*, 184 F.3d 1053, 1054 (9th Cir. 1999); see

also *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 7, 99 S.Ct. 2100, 60 L.Ed.2d 668 (1979) (“There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.”). Because neither a suspect classification nor a fundamental right is at issue, rational-basis review applies. *Cleburne*, 473 U.S. at 440, 105 S.Ct. 3249. We cannot say that the Legislature lacked a rational basis for adopting NRS 209.4465(8).

Having considered Smith's arguments and concluded that they do not warrant relief, we

ORDER the judgment of the district court AFFIRMED.

**All Citations**

408 P.3d 548 (Table), 2017 WL 6542450

**Footnotes**

- 1 Having considered the pro se brief and other documents filed by appellant, we conclude that a response is not necessary. NRAP 46A(c). This appeal therefore has been submitted for decision based on the pro se brief and the record. See NRAP 34(f)(3).
- 2 The district court relied on the exception set forth in NRS 209.4465(7)(b) (1997) and his interpretation of the sentencing statutes as requiring that Smith serve the minimum term imposed before being eligible for parole. The district court's interpretation of the sentencing statutes conflicts with the analysis in our recent decision in *Williams v. State*, 133 Nev., Adv. Op. 75, 402 P.3d 1260 (2017). But *Williams* is not controlling because the offenses at issue in that case were committed before NRS 209.4465(8)'s effective date and therefore the opinion did not address that provision. Based on NRS 209.4465(8), the district court reached the correct result, so we may affirm. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

# Exhibit 4

## Credit History by Sentence





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

Offender: SANCHEZ, LUIS - 0001108190

Sentence: 3

Count: 1

Current Earned Expiration Date: 04/15/2038

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/15/2013	02/28/2013	FLAT	14	No Comment	10943
02/15/2013	02/28/2013	STAT	10	No Comment	10933
02/15/2013	02/28/2013	WORK	0	No Comment	10933
03/01/2013	03/31/2013	FLAT	31	No Comment	10902
03/01/2013	03/31/2013	STAT	20	No Comment	10882
03/01/2013	03/31/2013	WORK	0	No Comment	10882
04/01/2013	04/30/2013	FLAT	30	No Comment	10852
04/01/2013	04/30/2013	STAT	20	No Comment	10832
04/01/2013	04/30/2013	WORK	0	No Comment	10832
05/01/2013	05/31/2013	FLAT	31	No Comment	10801
05/01/2013	05/31/2013	STAT	20	No Comment	10781
05/01/2013	05/31/2013	WORK	0	No Comment	10781
06/01/2013	06/30/2013	FLAT	30	No Comment	10751
06/01/2013	06/30/2013	STAT	20	No Comment	10731
06/01/2013	06/30/2013	WORK	0	No Comment	10731
07/01/2013	07/31/2013	FLAT	31	No Comment	10700
07/01/2013	07/31/2013	STAT	20	No Comment	10680
07/01/2013	07/31/2013	WORK	0	No Comment	10680
08/01/2013	08/31/2013	FLAT	31	No Comment	10649
08/01/2013	08/31/2013	STAT	20	No Comment	10629
08/01/2013	08/31/2013	WORK	0	No Comment	10629
09/01/2013	09/04/2013	FLAT	4	No Comment	10625
09/01/2013	09/04/2013	STAT	3	No Comment	10622
09/05/2013	09/30/2013	FLAT	26	No Comment	10596
09/05/2013	09/30/2013	STAT	17	No Comment	10579
09/05/2013	09/30/2013	WORK	0	Projected Credits not Earned on 10/11/2013 02:45:41	10579
10/01/2013	10/31/2013	FLAT	31	No Comment	10548
10/01/2013	10/31/2013	STAT	20	No Comment	10528
10/01/2013	10/31/2013	WORK	0	Projected Credits not Earned on 11/11/2013 02:45:36	10528
11/01/2013	11/30/2013	FLAT	30	No Comment	10498
11/01/2013	11/30/2013	STAT	20	No Comment	10478
11/01/2013	11/30/2013	WORK	0	Projected Credits not Earned on 12/11/2013 02:45:41	10478
12/01/2013	12/31/2013	FLAT	31	No Comment	10447
12/01/2013	12/31/2013	STAT	20	No Comment	10427
12/01/2013	12/31/2013	WORK	0	Projected Credits not Earned on 01/11/2014 02:45:51	10427
01/01/2014	01/31/2014	FLAT	31	No Comment	10396
01/01/2014	01/31/2014	STAT	20	No Comment	10376

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Offender: SANCHEZ, LUIS - 0001108190

Sentence: 3

Count: 1

Current Earned Expiration Date: 04/15/2038

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2014	01/31/2014	WORK	0	Projected Credits not Earned on 02/11/2014 02:47:12	10376
02/01/2014	02/28/2014	FLAT	28	No Comment	10348
02/01/2014	02/28/2014	STAT	20	No Comment	10328
02/01/2014	02/28/2014	WORK	0	Projected Credits not Earned on 03/11/2014 02:51:23	10328
03/01/2014	03/31/2014	FLAT	31	No Comment	10297
03/01/2014	03/31/2014	STAT	20	No Comment	10277
03/01/2014	03/31/2014	WORK	0	Projected Credits not Earned on 04/11/2014 02:45:55	10277
04/01/2014	04/30/2014	FLAT	30	No Comment	10247
04/01/2014	04/30/2014	STAT	20	No Comment	10227
04/01/2014	04/30/2014	WORK	0	Projected Credits not Earned on 05/11/2014 02:45:40	10227
05/01/2014	05/31/2014	FLAT	31	No Comment	10196
05/01/2014	05/31/2014	STAT	20	No Comment	10176
05/01/2014	05/31/2014	WORK	0	Projected Credits not Earned on 06/11/2014 02:47:57	10176
06/01/2014	06/30/2014	FLAT	30	No Comment	10146
06/01/2014	06/30/2014	STAT	20	No Comment	10126
06/01/2014	06/30/2014	WORK	0	Projected Credits not Earned on 07/11/2014 02:45:48	10126
07/01/2014	07/31/2014	FLAT	31	No Comment	10095
07/01/2014	07/31/2014	STAT	20	No Comment	10075
07/01/2014	07/31/2014	WORK	0	Projected Credits not Earned on 08/11/2014 02:45:35	10075
08/01/2014	08/31/2014	FLAT	31	No Comment	10044
08/01/2014	08/31/2014	STAT	20	No Comment	10024
08/01/2014	08/31/2014	WORK	0	Projected Credits not Earned on 09/11/2014 02:46:03	10024
09/01/2014	09/30/2014	FLAT	30	No Comment	9994
09/01/2014	09/30/2014	STAT	20	No Comment	9974
09/01/2014	09/30/2014	WORK	10	No Comment	9964
10/01/2014	10/31/2014	FLAT	31	No Comment	9933
10/01/2014	10/31/2014	STAT	20	No Comment	9913
10/01/2014	10/31/2014	WORK	10	No Comment	9903
11/01/2014	11/30/2014	FLAT	30	No Comment	9873
11/01/2014	11/30/2014	STAT	20	No Comment	9853
11/01/2014	11/30/2014	WORK	0	Reduction for not working	9853
12/01/2014	12/31/2014	FLAT	31	No Comment	9822
12/01/2014	12/31/2014	STAT	20	No Comment	9802
12/01/2014	12/31/2014	WORK	10	No Comment	9792
01/01/2015	01/31/2015	FLAT	31	No Comment	9761
01/01/2015	01/31/2015	STAT	20	No Comment	9741
01/01/2015	01/31/2015	WORK	10	No Comment	9731
02/01/2015	02/28/2015	FLAT	28	No Comment	9703
02/01/2015	02/28/2015	STAT	20	No Comment	9683
02/01/2015	02/28/2015	WORK	8	No Comment	9675
02/24/2015	04/28/2015	MR_CP_SSII	30	STOP Sex Offender Core Program II	9645
03/01/2015	03/31/2015	FLAT	31	No Comment	9614
03/01/2015	03/31/2015	STAT	20	No Comment	9594

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Offender: SANCHEZ, LUIS - 0001108190

Sentence: 3

Count: 1

Current Earned Expiration Date: 04/15/2038

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AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2015	03/31/2015	WORK	10	Reduction for not working	9584
04/01/2015	04/30/2015	FLAT	30	No Comment	9554
04/01/2015	04/30/2015	STAT	20	No Comment	9534
04/01/2015	04/30/2015	WORK	10	No Comment	9524
04/28/2015	08/04/2015	MR_CP_SSII	30	STOP Sex Offender Core Program III	9494
05/01/2015	05/31/2015	FLAT	31	No Comment	9463
05/01/2015	05/31/2015	STAT	20	No Comment	9443
05/01/2015	05/31/2015	WORK	10	Reduction for not working	9433
06/01/2015	06/30/2015	FLAT	30	No Comment	9403
06/01/2015	06/30/2015	STAT	20	No Comment	9383
06/01/2015	06/30/2015	WORK	0	Reduction for not working	9383
07/01/2015	07/31/2015	FLAT	31	No Comment	9352
07/01/2015	07/31/2015	STAT	20	No Comment	9332
07/01/2015	07/31/2015	WORK	0	Reduction for not working	9332
08/01/2015	08/31/2015	FLAT	31	No Comment	9301
08/01/2015	08/31/2015	STAT	20	No Comment	9281
08/01/2015	08/31/2015	WORK	0	Reduction for not working	9281
08/04/2015	01/04/2016	MR_CP_SSI	30	S.O.T.P Sex Offender-Phase IV	9251
09/01/2015	09/30/2015	FLAT	30	No Comment	9221
09/01/2015	09/30/2015	STAT	20	No Comment	9201
09/01/2015	09/30/2015	WORK	10	Reduction for not working	9191
10/01/2015	10/31/2015	FLAT	31	No Comment	9160
10/01/2015	10/31/2015	STAT	20	No Comment	9140
10/01/2015	10/31/2015	WORK	10	Reduction for not working	9130
11/01/2015	11/30/2015	FLAT	30	No Comment	9100
11/01/2015	11/30/2015	STAT	20	No Comment	9080
11/01/2015	11/30/2015	WORK	9	Reduction for not working	9071
12/01/2015	12/31/2015	FLAT	31	No Comment	9040
12/01/2015	12/31/2015	STAT	20	No Comment	9020
12/01/2015	12/31/2015	WORK	8	No Comment	9012
01/01/2016	01/31/2016	FLAT	31	No Comment	8981
01/01/2016	01/31/2016	STAT	20	No Comment	8961
01/01/2016	01/31/2016	WORK	10	Reduction for not working	8951
02/01/2016	02/29/2016	FLAT	29	No Comment	8922
02/01/2016	02/29/2016	STAT	20	No Comment	8902
02/01/2016	02/29/2016	WORK	9	Reduction for not working	8893
03/01/2016	03/31/2016	FLAT	31	No Comment	8862
03/01/2016	03/31/2016	STAT	20	No Comment	8842
03/01/2016	03/31/2016	WORK	10	Reduction for not working	8832
04/01/2016	04/30/2016	FLAT	30	No Comment	8802
04/01/2016	04/30/2016	STAT	20	No Comment	8782
04/01/2016	04/30/2016	WORK	9	Education	8773
05/01/2016	05/31/2016	FLAT	31	No Comment	8742

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2016	05/31/2016	STAT	20	No Comment	8722
05/01/2016	05/31/2016	WORK	0	Reduction for not working	8722
06/01/2016	06/30/2016	FLAT	30	No Comment	8692
06/01/2016	06/30/2016	STAT	20	No Comment	8672
06/01/2016	06/30/2016	WORK	0	Reduction for not working	8672
07/01/2016	07/31/2016	FLAT	31	No Comment	8641
07/01/2016	07/31/2016	STAT	20	No Comment	8621
07/01/2016	07/31/2016	WORK	0	Reduction for not working	8621
08/01/2016	08/31/2016	FLAT	31	No Comment	8590
08/01/2016	08/31/2016	STAT	20	No Comment	8570
08/01/2016	08/31/2016	WORK	2	Reduction for not working	8568
09/01/2016	09/30/2016	FLAT	30	No Comment	8538
09/01/2016	09/30/2016	STAT	20	No Comment	8518
09/01/2016	09/30/2016	WORK	10	Reduction for not working	8508
10/01/2016	10/31/2016	FLAT	31	No Comment	8477
10/01/2016	10/31/2016	STAT	20	No Comment	8457
10/01/2016	10/31/2016	WORK	9	Reduction for not working	8448
11/01/2016	11/30/2016	FLAT	30	No Comment	8418
11/01/2016	11/30/2016	STAT	20	No Comment	8398
11/01/2016	11/30/2016	WORK	8	No Comment	8390
12/01/2016	12/31/2016	FLAT	31	No Comment	8359
12/01/2016	12/31/2016	STAT	20	No Comment	8339
12/01/2016	12/31/2016	WORK	5	No Comment	8334
01/01/2017	01/31/2017	FLAT	31	No Comment	8303
01/01/2017	01/31/2017	STAT	20	No Comment	8283
01/01/2017	01/31/2017	WORK	8	Reduction for not working	8275
02/01/2017	02/28/2017	FLAT	28	No Comment	8247
02/01/2017	02/28/2017	STAT	20	No Comment	8227
02/01/2017	02/28/2017	WORK	7	No Comment	8220
03/01/2017	03/31/2017	FLAT	31	No Comment	8189
03/01/2017	03/31/2017	STAT	20	No Comment	8169
03/01/2017	03/31/2017	WORK	10	Reduction for not working	8159
04/01/2017	04/30/2017	FLAT	30	No Comment	8129
04/01/2017	04/30/2017	STAT	20	No Comment	8109
04/01/2017	04/30/2017	WORK	6	No Comment	8103
05/01/2017	05/31/2017	FLAT	31	No Comment	8072
05/01/2017	05/31/2017	STAT	20	No Comment	8052
05/01/2017	05/31/2017	WORK	9	Reduction for not working	8043
06/01/2017	06/30/2017	FLAT	30	No Comment	8013
06/01/2017	06/30/2017	STAT	20	No Comment	7993
06/01/2017	06/30/2017	WORK	0	Reduction for not working	7993
07/01/2017	07/31/2017	FLAT	31	No Comment	7962
07/01/2017	07/31/2017	STAT	20	No Comment	7942

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
07/01/2017	07/31/2017	WORK	0	Reduction for not working	7942
08/01/2017	08/31/2017	FLAT	31	No Comment	7911
08/01/2017	08/31/2017	STAT	20	No Comment	7891
08/01/2017	08/31/2017	WORK	6	No Comment	7885
09/01/2017	09/30/2017	FLAT	30	No Comment	7855
09/01/2017	09/30/2017	STAT	20	No Comment	7835
09/01/2017	09/30/2017	WORK	9	No Comment	7826
10/01/2017	10/31/2017	FLAT	31	No Comment	7795
10/01/2017	10/31/2017	STAT	20	No Comment	7775
10/01/2017	10/31/2017	WORK	10	No Comment	7765
11/01/2017	11/30/2017	FLAT	30	No Comment	7735
11/01/2017	11/30/2017	STAT	20	No Comment	7715
11/01/2017	11/30/2017	WORK	9	No Comment	7706
12/01/2017	12/31/2017	FLAT	31	No Comment	7675
12/01/2017	12/31/2017	STAT	20	No Comment	7655
12/01/2017	12/31/2017	WORK	7	No Comment	7648
01/01/2018	01/31/2018	FLAT	31	No Comment	7617
01/01/2018	01/31/2018	STAT	20	No Comment	7597
01/01/2018	01/31/2018	WORK	9	Reduction for not working	7588
02/01/2018	02/28/2018	FLAT	28	No Comment	7560
02/01/2018	02/28/2018	STAT	20	No Comment	7540
02/01/2018	02/28/2018	WORK	9	No Comment	7531
03/01/2018	03/31/2018	FLAT	31	No Comment	7500
03/01/2018	03/31/2018	STAT	20	No Comment	7480
03/01/2018	03/31/2018	WORK	10	No Comment	7470
04/01/2018	04/30/2018	FLAT	30	No Comment	7440
04/01/2018	04/30/2018	STAT	20	No Comment	7420
04/01/2018	04/30/2018	WORK	10	No Comment	7410
05/01/2018	05/31/2018	FLAT	31	No Comment	7379
05/01/2018	05/31/2018	STAT	20	No Comment	7359
05/01/2018	05/31/2018	WORK	10	No Comment	7349
06/01/2018	06/30/2018	FLAT	30	No Comment	7319
06/01/2018	06/30/2018	STAT	20	No Comment	7299
06/01/2018	06/30/2018	WORK	10	No Comment	7289
07/01/2018	07/31/2018	FLAT	31	No Comment	7258
07/01/2018	07/31/2018	STAT	20	No Comment	7238
07/01/2018	07/31/2018	WORK	10	No Comment	7228
08/01/2018	08/31/2018	FLAT	31	No Comment	7197
08/01/2018	08/31/2018	STAT	20	No Comment	7177
08/01/2018	08/31/2018	WORK	10	No Comment	7167
09/01/2018	09/30/2018	FLAT	30	No Comment	7137
09/01/2018	09/30/2018	STAT	20	No Comment	7117
09/01/2018	09/30/2018	WORK	10	No Comment	7107

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
10/01/2018	10/31/2018	FLAT	31	No Comment	7076
10/01/2018	10/31/2018	STAT	20	No Comment	7056
10/01/2018	10/31/2018	WORK	10	No Comment	7046
11/01/2018	11/30/2018	FLAT	30	No Comment	7016
11/01/2018	11/30/2018	STAT	20	No Comment	6996
11/01/2018	11/30/2018	WORK	10	No Comment	6986
12/01/2018	12/31/2018	FLAT	31	No Comment	6955
12/01/2018	12/31/2018	STAT	20	No Comment	6935
12/01/2018	12/31/2018	WORK	10	No Comment	6925
01/01/2019	01/31/2019	FLAT	31	No Comment	6894
01/01/2019	01/31/2019	STAT	20	No Comment	6874
01/01/2019	01/31/2019	WORK	10	No Comment	6864
02/01/2019	02/28/2019	FLAT	28	No Comment	6836
02/01/2019	02/28/2019	STAT	20	No Comment	6816
02/01/2019	02/28/2019	WORK	10	No Comment	6806
03/01/2019	03/31/2019	FLAT	31	No Comment	6775
03/01/2019	03/31/2019	STAT	20	No Comment	6755
03/01/2019	03/31/2019	WORK	10	No Comment	6745
04/01/2019	04/30/2019	FLAT	30	No Comment	6715
04/01/2019	04/30/2019	STAT	20	No Comment	6695
04/01/2019	04/30/2019	WORK	10	No Comment	6685
05/01/2019	05/31/2019	FLAT	31	No Comment	6654
05/01/2019	05/31/2019	STAT	20	No Comment	6634
05/01/2019	05/31/2019	WORK	10	No Comment	6624
06/01/2019	06/30/2019	FLAT	30	No Comment	6594
06/01/2019	06/30/2019	STAT	20	No Comment	6574
06/01/2019	06/30/2019	WORK	10	No Comment	6564
07/01/2019	07/31/2019	FLAT	31	No Comment	6533
07/01/2019	07/31/2019	STAT	20	No Comment	6513
07/01/2019	07/31/2019	WORK	10	No Comment	6503
08/01/2019	08/31/2019	FLAT	31	No Comment	6472
08/01/2019	08/31/2019	STAT	20	No Comment	6452
08/01/2019	08/31/2019	WORK	10	No Comment	6442
09/01/2019	09/30/2019	FLAT	30	No Comment	6412
09/01/2019	09/30/2019	STAT	20	No Comment	6392
09/01/2019	09/30/2019	WORK	10	No Comment	6382
10/01/2019	10/31/2019	FLAT	31	No Comment	6351
10/01/2019	10/31/2019	STAT	20	No Comment	6331
10/01/2019	10/31/2019	WORK	10	No Comment	6321
11/01/2019	11/30/2019	FLAT	30	No Comment	6291
11/01/2019	11/30/2019	STAT	20	No Comment	6271
11/01/2019	11/30/2019	WORK	10	No Comment	6261
12/01/2019	12/31/2019	FLAT	31	No Comment	6230

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2019	12/31/2019	STAT	20	No Comment	6210
12/01/2019	12/31/2019	WORK	10	No Comment	6200
01/01/2020	01/31/2020	FLAT	31	No Comment	6169
01/01/2020	01/31/2020	STAT	20	No Comment	6149
01/01/2020	01/31/2020	WORK	10	No Comment	6139
02/01/2020	02/29/2020	FLAT	29	No Comment	6110
02/01/2020	02/29/2020	STAT	20	No Comment	6090
02/01/2020	02/29/2020	WORK	10	No Comment	6080
03/01/2020	03/31/2020	FLAT	31	No Comment	6049
03/01/2020	03/31/2020	STAT	20	No Comment	6029
03/01/2020	03/31/2020	WORK	10	No Comment	6019
04/01/2020	04/30/2020	FLAT	30	No Comment	5989
04/01/2020	04/30/2020	STAT	20	No Comment	5969
04/01/2020	04/30/2020	WORK	10	No Comment	5959
05/01/2020	05/31/2020	FLAT	31	No Comment	5928
05/01/2020	05/31/2020	STAT	20	No Comment	5908
05/01/2020	05/31/2020	WORK	10	No Comment	5898
06/01/2020	06/30/2020	FLAT	30	No Comment	5868
06/01/2020	06/30/2020	STAT	20	No Comment	5848
06/01/2020	06/30/2020	WORK	10	No Comment	5838
07/01/2020	07/31/2020	FLAT	31	No Comment	5807
07/01/2020	07/31/2020	STAT	20	No Comment	5787
07/01/2020	07/31/2020	WORK	10	No Comment	5777
08/01/2020	08/31/2020	FLAT	31	No Comment	5746
08/01/2020	08/31/2020	STAT	20	No Comment	5726
08/01/2020	08/31/2020	WORK	10	No Comment	5716
09/01/2020	09/30/2020	FLAT	30	No Comment	5686
09/01/2020	09/30/2020	STAT	20	No Comment	5666
09/01/2020	09/30/2020	WORK	10	No Comment	5656
10/01/2020	10/31/2020	FLAT	31	No Comment	5625
10/01/2020	10/31/2020	STAT	20	No Comment	5605
10/01/2020	10/31/2020	WORK	10	No Comment	5595
11/01/2020	11/30/2020	FLAT	30	No Comment	5565
11/01/2020	11/30/2020	STAT	20	No Comment	5545
11/01/2020	11/30/2020	WORK	10	No Comment	5535
12/01/2020	12/31/2020	FLAT	31	No Comment	5504
12/01/2020	12/31/2020	STAT	20	No Comment	5484
12/01/2020	12/31/2020	WORK	10	No Comment	5474
01/01/2021	01/31/2021	FLAT	31	No Comment	5443
01/01/2021	01/31/2021	STAT	20	No Comment	5423
01/01/2021	01/31/2021	WORK	10	No Comment	5413
02/01/2021	02/28/2021	FLAT	28	No Comment	5385
02/01/2021	02/28/2021	STAT	20	No Comment	5365

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2021	02/28/2021	WORK	10	No Comment	5355
03/01/2021	03/31/2021	FLAT	31	No Comment	5324
03/01/2021	03/31/2021	STAT	20	No Comment	5304
03/01/2021	03/31/2021	WORK	10	No Comment	5294
04/01/2021	04/30/2021	FLAT	30	No Comment	5264
04/01/2021	04/30/2021	STAT	20	No Comment	5244
04/01/2021	04/30/2021	WORK	10	No Comment	5234
05/01/2021	05/31/2021	FLAT	31	No Comment	5203
05/01/2021	05/31/2021	STAT	20	No Comment	5183
05/01/2021	05/31/2021	WORK	10	No Comment	5173
06/01/2021	06/30/2021	FLAT	30	No Comment	5143
06/01/2021	06/30/2021	STAT	20	No Comment	5123
06/01/2021	06/30/2021	WORK	10	No Comment	5113
07/01/2021	07/31/2021	FLAT	31	No Comment	5082
07/01/2021	07/31/2021	STAT	20	No Comment	5062
07/01/2021	07/31/2021	WORK	10	No Comment	5052
08/01/2021	08/31/2021	FLAT	31	No Comment	5021
08/01/2021	08/31/2021	STAT	20	No Comment	5001
08/01/2021	08/31/2021	WORK	10	No Comment	4991
09/01/2021	09/30/2021	FLAT	30	No Comment	4961
09/01/2021	09/30/2021	STAT	20	No Comment	4941
09/01/2021	09/30/2021	WORK	10	No Comment	4931
10/01/2021	10/31/2021	FLAT	31	No Comment	4900
10/01/2021	10/31/2021	STAT	20	No Comment	4880
10/01/2021	10/31/2021	WORK	10	No Comment	4870
11/01/2021	11/30/2021	FLAT	30	No Comment	4840
11/01/2021	11/30/2021	STAT	20	No Comment	4820
11/01/2021	11/30/2021	WORK	10	No Comment	4810
12/01/2021	12/31/2021	FLAT	31	No Comment	4779
12/01/2021	12/31/2021	STAT	20	No Comment	4759
12/01/2021	12/31/2021	WORK	10	No Comment	4749
01/01/2022	01/31/2022	FLAT	31	No Comment	4718
01/01/2022	01/31/2022	STAT	20	No Comment	4698
01/01/2022	01/31/2022	WORK	10	No Comment	4688
02/01/2022	02/28/2022	FLAT	28	No Comment	4660
02/01/2022	02/28/2022	STAT	20	No Comment	4640
02/01/2022	02/28/2022	WORK	10	No Comment	4630
03/01/2022	03/31/2022	FLAT	31	No Comment	4599
03/01/2022	03/31/2022	STAT	20	No Comment	4579
03/01/2022	03/31/2022	WORK	10	No Comment	4569
04/01/2022	04/30/2022	FLAT	30	No Comment	4539
04/01/2022	04/30/2022	STAT	20	No Comment	4519
04/01/2022	04/30/2022	WORK	10	No Comment	4509

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Offender: SANCHEZ, LUIS - 0001108190						Sentence: 3	Count: 1	
Current Earned Expiration Date: 04/15/2038								
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2022	05/31/2022	FLAT	31	No Comment	4478
05/01/2022	05/31/2022	STAT	20	No Comment	4458
05/01/2022	05/31/2022	WORK	10	No Comment	4448
06/01/2022	06/30/2022	FLAT	30	No Comment	4418
06/01/2022	06/30/2022	STAT	20	No Comment	4398
06/01/2022	06/30/2022	WORK	10	No Comment	4388
07/01/2022	07/31/2022	FLAT	31	No Comment	4357
07/01/2022	07/31/2022	STAT	20	No Comment	4337
07/01/2022	07/31/2022	WORK	10	No Comment	4327
08/01/2022	08/31/2022	FLAT	31	No Comment	4296
08/01/2022	08/31/2022	STAT	20	No Comment	4276
08/01/2022	08/31/2022	WORK	10	No Comment	4266
09/01/2022	09/30/2022	FLAT	30	No Comment	4236
09/01/2022	09/30/2022	STAT	20	No Comment	4216
09/01/2022	09/30/2022	WORK	10	No Comment	4206
10/01/2022	10/31/2022	FLAT	31	No Comment	4175
10/01/2022	10/31/2022	STAT	20	No Comment	4155
10/01/2022	10/31/2022	WORK	10	No Comment	4145
11/01/2022	11/30/2022	FLAT	30	No Comment	4115
11/01/2022	11/30/2022	STAT	20	No Comment	4095
11/01/2022	11/30/2022	WORK	10	No Comment	4085
12/01/2022	12/31/2022	FLAT	31	No Comment	4054
12/01/2022	12/31/2022	STAT	20	No Comment	4034
12/01/2022	12/31/2022	WORK	10	No Comment	4024
01/01/2023	01/31/2023	FLAT	31	No Comment	3993
01/01/2023	01/31/2023	STAT	20	No Comment	3973
01/01/2023	01/31/2023	WORK	10	No Comment	3963
02/01/2023	02/28/2023	FLAT	28	No Comment	3935
02/01/2023	02/28/2023	STAT	20	No Comment	3915
02/01/2023	02/28/2023	WORK	10	No Comment	3905
03/01/2023	03/31/2023	FLAT	31	No Comment	3874
03/01/2023	03/31/2023	STAT	20	No Comment	3854
03/01/2023	03/31/2023	WORK	10	No Comment	3844
04/01/2023	04/30/2023	FLAT	30	No Comment	3814
04/01/2023	04/30/2023	STAT	20	No Comment	3794
04/01/2023	04/30/2023	WORK	10	No Comment	3784
05/01/2023	05/31/2023	FLAT	31	No Comment	3753
05/01/2023	05/31/2023	STAT	20	No Comment	3733
05/01/2023	05/31/2023	WORK	10	No Comment	3723
06/01/2023	06/30/2023	FLAT	30	No Comment	3693
06/01/2023	06/30/2023	STAT	20	No Comment	3673
06/01/2023	06/30/2023	WORK	10	No Comment	3663
07/01/2023	07/31/2023	FLAT	31	No Comment	3632

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Offender: SANCHEZ, LUIS - 0001108190

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Count: 1

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AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
07/01/2023	07/31/2023	STAT	20	No Comment	3612
07/01/2023	07/31/2023	WORK	10	No Comment	3602
08/01/2023	08/31/2023	FLAT	31	No Comment	3571
08/01/2023	08/31/2023	STAT	20	No Comment	3551
08/01/2023	08/31/2023	WORK	10	No Comment	3541
09/01/2023	09/30/2023	FLAT	30	No Comment	3511
09/01/2023	09/30/2023	STAT	20	No Comment	3491
09/01/2023	09/30/2023	WORK	10	No Comment	3481
10/01/2023	10/31/2023	FLAT	31	No Comment	3450
10/01/2023	10/31/2023	STAT	20	No Comment	3430
10/01/2023	10/31/2023	WORK	10	No Comment	3420
11/01/2023	11/30/2023	FLAT	30	No Comment	3390
11/01/2023	11/30/2023	STAT	20	No Comment	3370
11/01/2023	11/30/2023	WORK	10	No Comment	3360
12/01/2023	12/31/2023	FLAT	31	No Comment	3329
12/01/2023	12/31/2023	STAT	20	No Comment	3309
12/01/2023	12/31/2023	WORK	10	No Comment	3299
01/01/2024	01/31/2024	FLAT	31	No Comment	3268
01/01/2024	01/31/2024	STAT	20	No Comment	3248
01/01/2024	01/31/2024	WORK	10	No Comment	3238
02/01/2024	02/29/2024	FLAT	29	No Comment	3209
02/01/2024	02/29/2024	STAT	20	No Comment	3189
02/01/2024	02/29/2024	WORK	10	No Comment	3179
03/01/2024	03/31/2024	FLAT	31	No Comment	3148
03/01/2024	03/31/2024	STAT	20	No Comment	3128
03/01/2024	03/31/2024	WORK	10	No Comment	3118
04/01/2024	04/30/2024	FLAT	30	No Comment	3088
04/01/2024	04/30/2024	STAT	20	No Comment	3068
04/01/2024	04/30/2024	WORK	10	No Comment	3058
05/01/2024	05/31/2024	FLAT	31	No Comment	3027
05/01/2024	05/31/2024	STAT	20	No Comment	3007
05/01/2024	05/31/2024	WORK	10	No Comment	2997
06/01/2024	06/30/2024	FLAT	30	No Comment	2967
06/01/2024	06/30/2024	STAT	20	No Comment	2947
06/01/2024	06/30/2024	WORK	10	No Comment	2937
07/01/2024	07/31/2024	FLAT	31	No Comment	2906
07/01/2024	07/31/2024	STAT	20	No Comment	2886
07/01/2024	07/31/2024	WORK	10	No Comment	2876
08/01/2024	08/31/2024	FLAT	31	No Comment	2845
08/01/2024	08/31/2024	STAT	20	No Comment	2825
08/01/2024	08/31/2024	WORK	10	No Comment	2815
09/01/2024	09/30/2024	FLAT	30	No Comment	2785
09/01/2024	09/30/2024	STAT	20	No Comment	2765

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AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
09/01/2024	09/30/2024	WORK	10	No Comment	2755
10/01/2024	10/31/2024	FLAT	31	No Comment	2724
10/01/2024	10/31/2024	STAT	20	No Comment	2704
10/01/2024	10/31/2024	WORK	10	No Comment	2694
11/01/2024	11/30/2024	FLAT	30	No Comment	2664
11/01/2024	11/30/2024	STAT	20	No Comment	2644
11/01/2024	11/30/2024	WORK	10	No Comment	2634
12/01/2024	12/31/2024	FLAT	31	No Comment	2603
12/01/2024	12/31/2024	STAT	20	No Comment	2583
12/01/2024	12/31/2024	WORK	10	No Comment	2573
01/01/2025	01/31/2025	FLAT	31	No Comment	2542
01/01/2025	01/31/2025	STAT	20	No Comment	2522
01/01/2025	01/31/2025	WORK	10	No Comment	2512
02/01/2025	02/28/2025	FLAT	28	No Comment	2484
02/01/2025	02/28/2025	STAT	20	No Comment	2464
02/01/2025	02/28/2025	WORK	10	No Comment	2454
03/01/2025	03/31/2025	FLAT	31	No Comment	2423
03/01/2025	03/31/2025	STAT	20	No Comment	2403
03/01/2025	03/31/2025	WORK	10	No Comment	2393
04/01/2025	04/30/2025	FLAT	30	No Comment	2363
04/01/2025	04/30/2025	STAT	20	No Comment	2343
04/01/2025	04/30/2025	WORK	10	No Comment	2333
05/01/2025	05/31/2025	FLAT	31	No Comment	2302
05/01/2025	05/31/2025	STAT	20	No Comment	2282
05/01/2025	05/31/2025	WORK	10	No Comment	2272
06/01/2025	06/30/2025	FLAT	30	No Comment	2242
06/01/2025	06/30/2025	STAT	20	No Comment	2222
06/01/2025	06/30/2025	WORK	10	No Comment	2212
07/01/2025	07/31/2025	FLAT	31	No Comment	2181
07/01/2025	07/31/2025	STAT	20	No Comment	2161
07/01/2025	07/31/2025	WORK	10	No Comment	2151
08/01/2025	08/31/2025	FLAT	31	No Comment	2120
08/01/2025	08/31/2025	STAT	20	No Comment	2100
08/01/2025	08/31/2025	WORK	10	No Comment	2090
09/01/2025	09/30/2025	FLAT	30	No Comment	2060
09/01/2025	09/30/2025	STAT	20	No Comment	2040
09/01/2025	09/30/2025	WORK	10	No Comment	2030
10/01/2025	10/31/2025	FLAT	31	No Comment	1999
10/01/2025	10/31/2025	STAT	20	No Comment	1979
10/01/2025	10/31/2025	WORK	10	No Comment	1969
11/01/2025	11/30/2025	FLAT	30	No Comment	1939
11/01/2025	11/30/2025	STAT	20	No Comment	1919
11/01/2025	11/30/2025	WORK	10	No Comment	1909

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Offender: SANCHEZ, LUIS - 0001108190

Sentence: 3

Count: 1

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AG_156061_3	09/05/2013	202	02/15/2013	30y 0m 0d	10957	02/14/2023	07/19/2028	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2025	12/31/2025	FLAT	31	No Comment	1878
12/01/2025	12/31/2025	STAT	20	No Comment	1858
12/01/2025	12/31/2025	WORK	10	No Comment	1848
01/01/2026	01/31/2026	FLAT	31	No Comment	1817
01/01/2026	01/31/2026	STAT	20	No Comment	1797
01/01/2026	01/31/2026	WORK	10	No Comment	1787
02/01/2026	02/28/2026	FLAT	28	No Comment	1759
02/01/2026	02/28/2026	STAT	20	No Comment	1739
02/01/2026	02/28/2026	WORK	10	No Comment	1729
03/01/2026	03/31/2026	FLAT	31	No Comment	1698
03/01/2026	03/31/2026	STAT	20	No Comment	1678
03/01/2026	03/31/2026	WORK	10	No Comment	1668
04/01/2026	04/30/2026	FLAT	30	No Comment	1638
04/01/2026	04/30/2026	STAT	20	No Comment	1618
04/01/2026	04/30/2026	WORK	10	No Comment	1608
05/01/2026	05/31/2026	FLAT	31	No Comment	1577
05/01/2026	05/31/2026	STAT	20	No Comment	1557
05/01/2026	05/31/2026	WORK	10	No Comment	1547
06/01/2026	06/30/2026	FLAT	30	No Comment	1517
06/01/2026	06/30/2026	STAT	20	No Comment	1497
06/01/2026	06/30/2026	WORK	10	No Comment	1487
07/01/2026	07/31/2026	FLAT	31	No Comment	1456
07/01/2026	07/31/2026	STAT	20	No Comment	1436
07/01/2026	07/31/2026	WORK	10	No Comment	1426
08/01/2026	08/31/2026	FLAT	31	No Comment	1395
08/01/2026	08/31/2026	STAT	20	No Comment	1375
08/01/2026	08/31/2026	WORK	10	No Comment	1365
09/01/2026	09/30/2026	FLAT	30	No Comment	1335
09/01/2026	09/30/2026	STAT	20	No Comment	1315
09/01/2026	09/30/2026	WORK	10	No Comment	1305
10/01/2026	10/31/2026	FLAT	31	No Comment	1274
10/01/2026	10/31/2026	STAT	20	No Comment	1254
10/01/2026	10/31/2026	WORK	10	No Comment	1244
11/01/2026	11/30/2026	FLAT	30	No Comment	1214
11/01/2026	11/30/2026	STAT	20	No Comment	1194
11/01/2026	11/30/2026	WORK	10	No Comment	1184
12/01/2026	12/31/2026	FLAT	31	No Comment	1153
12/01/2026	12/31/2026	STAT	20	No Comment	1133
12/01/2026	12/31/2026	WORK	10	No Comment	1123
01/01/2027	01/31/2027	FLAT	31	No Comment	1092
01/01/2027	01/31/2027	STAT	20	No Comment	1072
01/01/2027	01/31/2027	WORK	10	No Comment	1062
02/01/2027	02/28/2027	FLAT	28	No Comment	1034

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2027	02/28/2027	STAT	20	No Comment	1014
02/01/2027	02/28/2027	WORK	10	No Comment	1004
03/01/2027	03/31/2027	FLAT	31	No Comment	973
03/01/2027	03/31/2027	STAT	20	No Comment	953
03/01/2027	03/31/2027	WORK	10	No Comment	943
04/01/2027	04/30/2027	FLAT	30	No Comment	913
04/01/2027	04/30/2027	STAT	20	No Comment	893
04/01/2027	04/30/2027	WORK	10	No Comment	883
05/01/2027	05/31/2027	FLAT	31	No Comment	852
05/01/2027	05/31/2027	STAT	20	No Comment	832
05/01/2027	05/31/2027	WORK	10	No Comment	822
06/01/2027	06/30/2027	FLAT	30	No Comment	792
06/01/2027	06/30/2027	STAT	20	No Comment	772
06/01/2027	06/30/2027	WORK	10	No Comment	762
07/01/2027	07/31/2027	FLAT	31	No Comment	731
07/01/2027	07/31/2027	STAT	20	No Comment	711
07/01/2027	07/31/2027	WORK	10	No Comment	701
08/01/2027	08/31/2027	FLAT	31	No Comment	670
08/01/2027	08/31/2027	STAT	20	No Comment	650
08/01/2027	08/31/2027	WORK	10	No Comment	640
09/01/2027	09/30/2027	FLAT	30	No Comment	610
09/01/2027	09/30/2027	STAT	20	No Comment	590
09/01/2027	09/30/2027	WORK	10	No Comment	580
10/01/2027	10/31/2027	FLAT	31	No Comment	549
10/01/2027	10/31/2027	STAT	20	No Comment	529
10/01/2027	10/31/2027	WORK	10	No Comment	519
11/01/2027	11/30/2027	FLAT	30	No Comment	489
11/01/2027	11/30/2027	STAT	20	No Comment	469
11/01/2027	11/30/2027	WORK	10	No Comment	459
12/01/2027	12/31/2027	FLAT	31	No Comment	428
12/01/2027	12/31/2027	STAT	20	No Comment	408
12/01/2027	12/31/2027	WORK	10	No Comment	398
01/01/2028	01/31/2028	FLAT	31	No Comment	367
01/01/2028	01/31/2028	STAT	20	No Comment	347
01/01/2028	01/31/2028	WORK	10	No Comment	337
02/01/2028	02/29/2028	FLAT	29	No Comment	308
02/01/2028	02/29/2028	STAT	20	No Comment	288
02/01/2028	02/29/2028	WORK	10	No Comment	278
03/01/2028	03/31/2028	FLAT	31	No Comment	247
03/01/2028	03/31/2028	STAT	20	No Comment	227
03/01/2028	03/31/2028	WORK	10	No Comment	217
04/01/2028	04/30/2028	FLAT	30	No Comment	187
04/01/2028	04/30/2028	STAT	20	No Comment	167

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2028	04/30/2028	WORK	10	No Comment	157
05/01/2028	05/31/2028	FLAT	31	No Comment	126
05/01/2028	05/31/2028	STAT	20	No Comment	106
05/01/2028	05/31/2028	WORK	10	No Comment	96
06/01/2028	06/30/2028	FLAT	30	No Comment	66
06/01/2028	06/30/2028	STAT	20	No Comment	46
06/01/2028	06/30/2028	WORK	10	No Comment	36
07/01/2028	07/19/2028	FLAT	19	No Comment	17
07/01/2028	07/19/2028	STAT	12	No Comment	5
07/01/2028	07/19/2028	WORK	5	No Comment	0

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IN THE SUPREME COURT OF THE STATE OF NEVADA

HIGH DESERT STATE PRISON;  
NEVADA STATE OF; AND  
OFFENDER MANAGEMENT  
DIVISION,

Appellants,

v.

LUIS SANCHEZ,

Respondent.

Electronically Filed  
Apr 24 2019 04:46 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 77622

District Court No. A-18-775677-W

**APPELLANTS' APPENDIX**

**CHRONOLOGICAL INDEX**

**VOLUME 1**

DATE	DOCUMENT/COURT	VOLUME	PAGE NOS.
04/09/2013	Information 8 <sup>th</sup> JD C-13-288664-1	I	0001-0002
05/23/2018	Petition for Writ of Habeas Corpus – 8 <sup>th</sup> JD A-18-775677-W	I	0003-0007
08/20/2018	Order for Petition for Writ of Habeas Corpus - 8 <sup>th</sup> JD A-18-775677-W	I	0008-0009
10/01/2018	Response to Petition for Writ of Habeas Corpus - 8 <sup>th</sup> JD A-18-775677-W	I	0010-0048
11/26/2018	Decision and Order – 8 <sup>th</sup> JD A-18-775677-W	I	0049-0054
11/28/2018	Notice of Entry of Order – 8 <sup>th</sup> JD A-18-775677-W	I	0055-0061
12/05/2018	Notice of Appeal – 8 <sup>th</sup> JD A-18-775677-W	I	0062-0064

<b>DATE</b>	<b>DOCUMENT/COURT</b>	<b>VOLUME</b>	<b>PAGE NOS.</b>
12/05/2018	Case Appeal Statement – 8 <sup>th</sup> JD A-18-775677-W	I	0065-0068
12/11/2018	Notice of Appeal – NSC 77622	I	0069-0093
12/24/2018	Certificate That No Transcript Is Being Requested – NSC 77622	I	0094-0095
12/27/2018	Docketing Statement – NSC 77622	I	0096-0102
02/01/2019	Motion for Stay Pending Appeal – 8 <sup>th</sup> JD A-18-775677-W	I	0103-0109
02/26/2019	Notice of Motion - 8 <sup>th</sup> JD A-18-775677-W	I	0110-0112
04/11/2019	Notice of Withdrawal of Attorney – NSC 77622	I	0113-0115

## **ALPHABETICAL INDEX**

### **VOLUME 1**

<b>DATE</b>	<b>DOCUMENT/COURT</b>	<b>VOLUME</b>	<b>PAGE NOS.</b>
12/05/2018	Case Appeal Statement – 8 <sup>th</sup> JD A-18-775677-W	I	0065-0068
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12/27/2018	Docketing Statement – NSC 77622	I	0096-0102
04/09/2013	Information 8 <sup>th</sup> JD C-13-288664-1	I	0001-0002
02/01/2019	Motion for Stay Pending Appeal – 8 <sup>th</sup> JD A-18-775677-W	I	0103-0109
12/05/2018	Notice of Appeal - 8 <sup>th</sup> JD A-18-775677-W	I	0062-0064
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04/11/2019	Notice of Withdrawal of Attorney – NSC 77622	I	0113-0115
08/20/2018	Order for Petition for Writ of Habeas Corpus - 8 <sup>th</sup> JD A-18-775677-W	I	0008-0009
05/23/2018	Petition for Writ of Habeas Corpus – 8 <sup>th</sup> JD A-18-775677-W	I	0003-0007
10/01/2018	Response to Petition for Writ of Habeas Corpus - 8 <sup>th</sup> JD A-18-775677-W	I	0010-0048

RESPECTFULLY SUBMITTED this 24th day of April, 2019.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Natasha Gebrael  
Natasha M. Gebrael (Bar. No. 14367)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Avenue Ste. 3900  
Las Vegas, Nevada 89101  
*Attorneys for Appellants High Desert State  
Prison, et al.*

## **CERTIFICATE OF SERVICE**

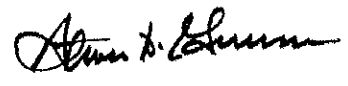
I hereby certify that I electronically filed the foregoing in accordance with this Court's electronic filing system and consistent with NEFCR 9 on April 24, 2019.

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:

Luis Richard Sanchez, #1108190  
c/o High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89070-0650

/s/ C. Ross  
An employee of the Office of the Attorney General

  
CLERK OF THE COURT

**INFO**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
ERCAN E. ISCAN  
Chief Deputy District Attorney  
Nevada Bar #009592  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**I.A. 04/10/2013**  
**9:30 A.M.**  
**PUBLIC DEFENDER**

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

LUIS RICHARD SANCHEZ,  
#2668207  
Defendant.

Case No: **C-13-288664-1**

Dept No: **XXIV**

**INFORMATION**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **LUIS RICHARD SANCHEZ**, the Defendant above named, having committed the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230, 193.330)** in the manner following, to-wit: That the said Defendant, on or between May 8, 2006 and January 31, 2013, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

//

//

1 COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14


2 did, then and there willfully, lewdly, unlawfully, and feloniously attempt to commit a  
3 lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit:  
4 A [REDACTED] L [REDACTED] T [REDACTED] and/or P [REDACTED] T [REDACTED], said child being under the age of  
5 fourteen years, by said Defendant attempting to use his hand(s) and/or finger(s) and/or penis  
6 to touch and/or rub and/or fondle and/or tickle the chest and/or breast(s) and/or genital area  
7 of the said A [REDACTED] L [REDACTED] T [REDACTED], with the intent of arousing, appealing to, or gratifying  
8 the lust, passions, or sexual desires of said Defendant, or said child.

9 COUNT 2 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, then and there willfully, lewdly, unlawfully, and feloniously attempt to commit a  
11 lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit:  
12 A [REDACTED] L [REDACTED] T [REDACTED] and/or P [REDACTED] T [REDACTED], said child being under the age of  
13 fourteen years, by said Defendant attempting to use his mouth and/or tongue to kiss and/or  
14 lick and/or nibble the mouth and/or neck and/or ear(s) of the said A [REDACTED] L [REDACTED] T [REDACTED],  
15 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
16 said Defendant, or said child.

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
19 Nevada Bar #001565

20 BY

21   
22 ERCAN E. ISCAN  
23 Chief Deputy District Attorney  
24 Nevada Bar #009592

25  
26  
27 DA#13F02677X/hjc/SVU  
28 LVMPD EV#1302152491  
(TK02)

8  
FILED

MAY 23 2018

CLERK OF COURT

Luis Sanchez # 1108190  
Petitioner/In Propria Personam  
Post Office Box 650 H.D.S.P.  
Indian Springs, Nevada 89070

IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE  
OF NEVADA AND FOR THE COUNTY OF CLARK

PPOW  
PP  
DA MC Luis Sanchez # 1108190  
Petitioner

A-18-775677-W

VS

Case No. C 13 288644 1

Dept. No. ~~XXIV~~ VII

High Desert State Prison

Offender Management Division  
State Of Nevada

PETITION FOR WRIT OF HABEAS CORPUS

Good and-Work-Time, Meritorious Award Calculations  
(NRS 34.724, subsection 2(c))

A-18-775677-W  
IPWHC  
Inmate Filed - Petition for Writ of Habeas  
4752833



The petition of Luis Sanchez, petitioner for Writ of Habeas Corpus in the above  
entitled action respectfully shows:

- 1.) That petitioner, Luis Sanchez, is proceeding in proper person;
- 2.) That petitioner makes application herein for Writ of Habeas Corpus on his own behalf;  
that petitioner is imprisoned and restrained of his liberty at High Desert State Prison,  
Indian Springs, Nevada, County of Clark, by Warden ~~Neves~~ Williams of said prison and the State  
of Nevada;
- 3.) That the imprisonment and restraint is unlawful in violation of the Nevada constitution, Ar.  
1, Sect. 8; NRS 209.4465 [(1)(c)](2) because of respondent's incorrect calculation of  
petitioner's deduction of twenty (20) days from his sentence for each month he served  
and the additions/deductions of ten (10) days allowed by the Director for each month an  
offender/inmate engages in diligent labor and/or study.
- 4.) Therefore, petitioner was sentenced on 9-5-13, and granted jail time deductions in the  
amount of 202<sup>days</sup>, he is also entitled to twenty (20) days for each month he serves, in  
accordance with the stipulation of NRS 209.4465 (1) (c), which total to 740 days, and  
an additional ten (10) days per month for diligence in labor and/or study pursuant to  
subsection 1, which in petitioner's case, amounts to 60 days; since petitioner has  
made every effort to diligently labor and/or study during the following period of time of  
March 2014, to/until present. Therefore, this petitioner believes that he is entitled to a total  
deduction of 800 days, which amount would give him an expiration date of June  
20<sup>th</sup>, 2026. Petitioner is entitled to deductions in the amount of 90 days for  
meritorious award credits for the completion of the following merit credit programs:  
(STOP) PROGRAM / completion  
thus giving petitioner and expiration date of March 9<sup>th</sup>, 2026.

Furthermore

No other petition has been filed by petitioner on this issue of good, work, and meritorious  
credit calculations. Wherefore, petitioner prays that this Honorable Court issue and Order  
granting his Writ of Habeas Corpus directing respondents to bring petitioner before this

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CLERK OF THE COURT

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Court to show cause why they are not calculating petitioner's good and work time monthly deductions on his sentence(s) pursuant to NRS 209.4465, subsection 1 (c) and subsection 2.

- 6.) An Inmate who is housed in Protective Custody does not receive full work day credits nor full work day salary. The Warden of the institution prorates the work day credits and the work day salary, leaving partial credits and salary for the inmate who is performing a job at the institution.

#### VERIFICATION

I, Luis Sanchez, petitioner, under penalty of perjury, pursuant to NRS 208.165, declare that I am the petitioner named in the foregoing petition and know the content thereof, that the pleading is true and correct of my own personal knowledge except for those matters based on information and belief, and as to which matters I believe them to be true.

DATED: this 1 day of May, 2017.

#### POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

##### Question of Law:

Whether respondent's calculation of petitioner's good time and work time deductions from his sentence is based on their own analysis or interpretation of NRS 209.4465, which is less favorable to petitioner as well as discriminatory and in violation of the Due Process and Discrimination Clauses guaranteed by the 14th Amendment to the United States Constitution?

#### STATEMENT OF THE CASE

On April 19<sup>th</sup>, 2013 after (trial by jury/entering a plea), petitioner was found guilty of Attempted Rape with a Child under the Age of 14. On September 5<sup>th</sup>, 2013, petitioner was sentenced to 5 to 15 yrs Run Consecutive to count (2), and a (concurrent/consecutive) term(s) of same as (above). The Judgment of Conviction was filed on September 12, 2013.

#### STATEMENT OF FACTS

Respondents have calculated petitioner's good time and work time days of credit/deduction based on their own analysis and/or methodology rather than according to clearly established law under NRS 209.4465.

Thus, petitioner (will be/has been) subject to excessive confinement, and/or a longer term of imprisonment than the court intended, as a result of the NDOC policy or procedure.

Furthermore, the NDOC denies work time days or deductions to those inmates who do not participate in a work or educational assignment. This policy would be fair and just provided that the NDOC had the jobs or educational programs that would allow all inmates the equal opportunity to earn ten (10) days per month deduction from their sentences, particularly when the inmate has not misbehaved or has been subject to disciplinary sanctions. Petitioner has made every effort to participate in rehabilitation, educational, and/or work programs while in prison.

Furthermore,

An Inmate who is housed in Protective Custody does not receive full work day credits nor full work day salary. The Warden of the institution prorates the work day credits and the work day salary, leaving partial credits and salary for the inmate who is performing a job at the institution.

#### LEGAL ARGUMENT

The rule is cardinal and universal that if a law is plainly unambiguous, there is no room for construction or interpretation, **Brown v. Davis**, 1 Nev. 409, 413 (1865). NRS 209.4465 subsection 1 provides in relevant part that:

An offender sentenced to prison for a crime committed on or after July 17, 1997, who has

no serious infraction of the regulation of the department, the terms and conditions of his residential confinement, or the laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed "...for the period his is actually incarcerated pursuant to his sentence [...]... a deduction of twenty (20) days from his sentence each month he serves."

Subsection 2 of NRS 209.4465 further provides for an additional ten (10) days deduction by the NDOC Director for diligent work or study. However, the Nevada Department of Corrections has improperly interpreted and applied the controlling statute as set forth above herein.

The schema of the NDOC employed in computation of the twenty (20) days per month, commonly referred to as statutory good time, is permissible in that unlike the related provision of NRS 209.4465, subsection 2, the Director does not have any discretion in regard to deduction under subsection 1. Therefore, the prison officials are making their calculations in a manner that denies petitioner his statutory right to liberty without due process of law, which is a constitutional violation.

In the case at bar, the legislature itself created a statutory right in NRS 209.4465, which defined therein the correct manner/formula for computing good and work time deductions; thereby, the State of Nevada created a liberty interest, requiring due process to ensure that such liberty is not arbitrarily abrogated. *Vitek v. Jones*, 100 S. Ct., 1254, 1261-1262, (1980) *Meachum v. Fano*, 96 S. Ct., 2532, 2539-49. (1976).

### CONCLUSION

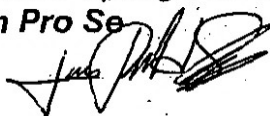
Finally, the cardinal rule of statutory construction is for a court to give effect to the legislature's intent. "*What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will,*" and therefore, the court must apply the plain meaning of a statute where its language is unambiguous and conveys a clear meaning.

The court must reject a statute's interpretation (the NDOC Merits Credits System Formula) leading to absurd and disparate results not intended by the legislature, issue an ORDER that the Nevada Department of Corrections halt its *methodology* or whatever formula they are applying to extend petitioner's sentence, and to apply provisions of the Nevada Revised Statue 209.4465 so that its full force and effects benefit this petitioner, for the remainder of this Petitioners sentences, as long as the petitioner has received no disciplinary actions since this petition has been filed in the District Court.

DATED: this 1 day of May, 20 17.

Respectfully submitted,

BY: Luis Sanchez # 1108190  
Petitioner/In Propria Personam  
Post Office Box 650 H.D.S.P.  
Indian Springs, Nevada 89070  
In Pro Se



HIGH DESERT STATE PRISON  
MAY 01 2017  
UNIT 9

*[Handwritten signature]*



#  
Luis R Sanchez 1108190.  
H.D.S.P.  
P.O. BOX 650  
Indian Springs, NV 89070



Las Vegas PADC 89199

TUE 02 MAY 2017 PM

Steven D. Grierson, Clerk of the Court  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, NV 89155-1160

*Steven D. Grierson*

1 OPWH

2  
3  
4 DISTRICT COURT  
CLARK COUNTY, NEVADA

5 Luis Sanchez,

6 Petitioner(s),

Case No.: A-18-775677-W

7 vs.

Dept. No.: 7

8 High Desert State Prison,

9 Respondent(s).

10  
11 **ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS**

12 Petitioner filed a Petition for Writ of Habeas Corpus on May 23, 2018. The Court  
13 has reviewed the Petition and has determined a response would assist the Court in  
14 determining whether Petitioner has been awarded all appropriate good-time credits as  
15 provided in Assembly Bill 510 and, good cause appearing therefore,

16 IT IS HEREBY ORDERED, Respondent shall, within 45 days after the date of this  
17 Order, Answer or otherwise respond to the Petition and file a return in accordance with the  
18 provisions set out in NRS 209.

19 IT IS FURTHER ORDERED, this matter shall be placed on calendar on **Tuesday,**  
20 **October 9, 2018 at 9:00 a.m.** in District Court Department 7.

21  
22 DATED this 15th day of August, 2018.

23  
24  
25  
26 *LB*  
27 LINDA MARIE BELL  
28 DISTRICT COURT JUDGE

RECEIVED  
LINDA MARIE BELL  
DISTRICT JUDGE  
DEPARTMENT VII  
AUG 20 2018

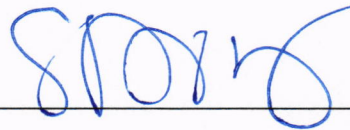
CLERK OF THE COURT

CERTIFICATE OF SERVICE

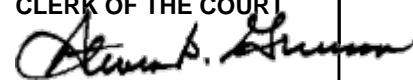
The undersigned hereby certifies that on the date of the filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Luis Sanchez  
HDSP #1108190  
PO BOX 650  
Indian Springs, NV 89070

Office of the Attorney General  
Appellate Division  
555 E. Washington Ave., Suite 3900  
Las Vegas, NV 89101-1068



SYLVIA PERRY, Judicial Executive Assistant



RSPN  
ADAM PAUL LAXALT  
Attorney General  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101-1068  
(702) 486-2625 (phone)  
(702) 486-2377 (fax)  
NGebrael@ag.nv.gov  
*Attorneys for Respondents*

**DISTRICT COURT**  
**SANCHEZ COUNTY, NEVADA**

LUIS SANCHEZ,

Petitioner,

vs.

HIGH DESERT STATE PRISON, et al.,

Respondents.

Case No. A-18-775677-W

Dept. No. VII

Date of Hearing: 10/09/2018

Time of Hearing: 9:00 a.m.

**RESPONSE TO PETITION FOR WRIT PETITION FOR WRIT OF HABEAS CORPUS**

Respondents oppose Petitioner Luis Sanchez's *Petition for Writ of Habeas Corpus*, filed on May 23, 2018, the Nevada Department of Corrections (NDOC) has properly awarded Sanchez credit against his sentence in conformity with NRS 209.4465, and Sanchez fails to present evidence that he is exempt from the application of NRS 209.4465(8). Respondents base this response upon the papers and pleadings on file herein and the following points and authorities.

DATED October 1, 2018.

ADAM PAUL LAXALT  
Attorney General

By: /s/ Natasha M. Gebrael  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2   **I.**

3   **BACKGROUND**

4           Petitioner Luis Sanchez is currently incarcerated at High Desert State Prison. *See* Exhibit 1,  
5 *Inmate Search*. Sanchez is serving a sentence arising from criminal acts he committed between May 8,  
6 2006 and January 31, 2013. *See* Exhibit 2, *Information*. On September 5, 2013, the Eighth Judicial  
7 District adjudicated Sanchez guilty of two counts of Attempt Lewdness With a Child Under the Age of  
8 14, a category B felony. *See* Exhibit 3, *Judgment of Conviction*. The Court sentenced Sanchez to a  
9 maximum incarceration of fifteen (15) years, with a minimum parole eligibility of five (5) years on each  
10 count to run consecutively to each other. *Id.* Sanchez received two hundred two (202) days of credit for  
11 time served. *Id.* Sanchez is now actively serving his sentence in High Desert State Prison. *See* Exh. 1.<sup>1</sup>

12   **II.**

13   **ARGUMENT**

14                   **A.     NDOC Awarded Sanchez Good Time Credits in Accordance with NRS 209.4465.**

15           NRS 209.432 to 209.451, inclusive, provide the statutory framework for the application of credit  
16 to an inmate's sentence. The appropriate statute is determined by the date that the crime was committed.  
17 In this case, Sanchez's credit is governed by NRS 209.4465, which awards good time credits as follows:

18                                   **NRS 209.4465 Credits for offender sentenced for crime committed on**  
19                                   **or after July 17, 1997.**

- 20           1. An offender who is sentenced to prison for a crime committed on or  
21 after July 17, 1997, who has no serious infraction of the regulations of the  
22 Department, the terms and conditions of his residential confinement or the  
23 laws of the State recorded against him, and who performs in a faithful,  
24 orderly and peaceable manner the duties assigned to him, must be allowed:  
25           (a) For the period he is actually incarcerated pursuant to his sentence;  
26           (b) For the period he is in residential confinement; and  
27           (c) For the period he is in the custody of the Division of Parole and  
28 Probation of the Department of Public Safety pursuant to NRS 209.4886  
or 209.4888, a deduction of 20 days from his sentence for each month he  
serves.

25           So long as an inmate abides by the law and prison regulations, he is entitled to 20 good-time  
26 credits per month. NDOC has awarded Sanchez 20 good-time credits per month for every month he has

27  
28           

---

<sup>1</sup> As the petition challenges NDOC's computation of time, rather than the Petitioner's judgment  
of conviction or sentence, Respondents do not address NRS 34.760.

1 been incarcerated on his sentence, which NDOC properly applies to the maximum term of his sentence.  
2 *See Exhibit 4, Credit History By Sentence.*<sup>2</sup>

3 NRS 209.4465(8)(b) precludes an inmate who is convicted of a felony sex offense from having  
4 his credits applied against his parole eligibility or minimum sentence. NRS 209.4465(8)(d) precludes an  
5 inmate who is convicted of a category A or B felony from having credits applied to his parole eligibility.  
6 Sanchez is serving a sentence arising from two category B felony sex offenses. *See Exh. 3.*<sup>3</sup> Sanchez was  
7 convicted of attempt lewdness, however, the police reports in the underlying criminal case indicate that  
8 Sanchez inappropriately touched his step-daughters in a sexual manner at a time when they were under  
9 the age of 14. *See Exhibit 5, Arrest Report.* As such, NRS 209.4465(8)(b) and (d) unequivocally prohibits  
10 NDOC from applying credit to his minimum term or parole eligibility. *See Smith v. Baca*, 408 P.3d 548  
11 (Nev. 2017) (unpublished disposition) (attached as Exhibit 6) (holding that where an offense is continuing  
12 in nature, and the offense began before the 2007 amendments to Chapter 209 but continued to occur *after*  
13 the 2007 amendments, NRS 209.4465(8) will apply to the offense); *see also Rimer v. State*, 351 P.3d 697,  
14 707 (Nev. 2015) (holding that child abuse, “is usually not a single or physical attack or a single act of  
15 *molestation* or deprivation. It is typically a pattern of behavior. Its effects are cumulative”) (emphasis  
16 added).

17 **B. The *Williams* Decision Does Not Apply, as Sanchez Continued to Commit His**  
18 **Offenses After the 2007 Amendment of NRS 209.4465, and Applying the Statute to**  
19 **Continuing Conduct Occurring After the Amendment is Not a Violation of the Ex-**  
20 **Post Facto Clause.**

21 Sanchez alleges *Williams v. State Dep’t of Corr.*, 402 P.3d 1260 (Nev. 2017), entitles him to credit  
22 against his minimum sentence, but *Williams* actually excludes Sanchez from its analysis. *Williams* does  
23 not apply to Sanchez since the law governing the application of credit in *Williams* is different from that

---

24 <sup>2</sup> Sanchez’s maximum aggregate term is 30 years, but Sanchez’s current **projected** expiration  
25 date is in 2028, only 15 years after his sentence start date of 2013. This projected date is subject to change  
based on Sanchez’s good behavior while incarcerated, and whether he earns additional work or merit  
credits. The date will never go beyond the 30-year maximum.

26 <sup>3</sup> NRS 201.230(1)(a) provides that, “a person is guilty of lewdness with a child if he or she is 18  
27 years of age or older and willfully and lewdly commits any lewd or lascivious act, other than acts  
constituting the crime of sexual assault, upon or with the body, or any part or member thereof, of a child  
28 under the age of 16 years, with the intent of arousing, appealing to, or gratifying the lust or passions or  
sexual desires of that person or of that child.” Thus, the felony Sanchez was convicted of was sexual in  
nature and NRS 209.4465(8)(b) applies.

1 to be applied here. Crucially, Sanchez committed his offenses in a different year than the *Williams* inmate.  
2 The Nevada Supreme Court explicitly stated that its decision in *Williams* does not affect the application  
3 of credits against sentences for offenders who committed their crimes after July 1, 2007.<sup>4</sup> This is because  
4 the language of the applicable credit statutes — NRS 209.4465 and NRS 213.120 — was amended in  
5 2007, negating the analysis applied in *Williams*. The offender in *Williams* committed her offenses prior  
6 to the 2007 amendments. As such, the amendments, including the exceptions contained in NRS  
7 209.4465(8), did not apply to her.

8 In contrast, Sanchez continued to commit his offenses *after* the effective date of the 2007  
9 amendments. *Smith*, 408 P.3d 548 (holding that where an offense is continuing in nature, and the offense  
10 began before the 2007 amendments to Chapter 209 but continued to occur *after* the 2007 amendments,  
11 NRS 209.4465(8) will apply to the offense and there is no ex-post facto violation because the defendant's  
12 conduct continued *after* the amendment); *Rimer*, 351 P.3d at 707 (defining child abuse as, "not a single  
13 or physical attack or a single act of *molestation* or deprivation. It is typically a pattern of behavior. Its  
14 effects are cumulative") (emphasis added). Sanchez's offense is similar in nature to child abuse because  
15 it involves molestation of a child, as analogized in *Rimer*. Moreover, the Arrest Report indicates that his  
16 offense was continuing in nature because Sanchez molested Victim 1 in 2006 when she was under the  
17 age of 14 and then Sanchez stopped molesting Victim 1 as she grew older, but began to molest Victim 2  
18 in 2013 when she was under the age of 14. *Id.* See Exh. 5 at 2; see also Exh. 2 (indicating attempt lewdness  
19 with two victims, not just one).

20 Sanchez's pattern of behavior was continuing in nature as Sanchez's behavior may have began in  
21 2006, continued, ceased, and then began again in 2013, well after the 2007 amendments. Consequently,  
22

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23 <sup>4</sup> The Nevada Supreme Court stated in footnote 7 of their opinion,

24 **Our interpretation of NRS 209.4465(7)(b) applies only to crimes**  
25 **committed on or between July 17, 1997 (the effective date of NRS**  
26 **209.4465) and June 30, 2007 (the effective date of NRS 209.4465(8)).**  
27 Because the application of credits under NRS 209.4465(7)(b) only serves  
28 to make an offender eligible for parole earlier, no relief can be afforded  
where the offender has already expired the sentence, . . . , or appeared  
before the parole board on the sentence, see *Niergarth v. Warden*, 105 Nev.  
26, 29, 768 P.2d 882, 883–84 (1989) (recognizing no statutory authority or  
caselaw allowing for retroactive grant of parole).

*Williams v. State Dep't of Corr.*, 402 at 1265 (emphasis added).

1 the 2007 amendments, including the exceptions contained in NRS 209.4465(8), apply to Sanchez. Thus,  
2 even viewing *Williams* in the light most favorable to Sanchez, the logic does not apply to his crime, he  
3 is not entitled to additional credits, and his reliance upon NRS 209.4465(7) is erroneous.

4 **C. The Court Should Deny Sanchez's Petition Because He Has Failed to Show That**  
5 **NDOC Incorrectly Computed His Credit.**

6 Sanchez claims that NDOC has incorrectly computed his credit. However, Sanchez's allegations  
7 are based upon false assumptions, namely, that NDOC failed to apply his presentence credit, work credit  
8 and failed to award him credit for meritorious programs completed. Accordingly, Sanchez's claims are  
9 unsupported and should be denied.

10 **1. Sanchez Was Awarded and Has Received Presentence Credit.**

11 Sanchez alleges he is entitled to 202 days of jail credit (also referred to as presentence credit).  
12 Respondents agree and note that this award of jail credit has already been applied to Petitioner's sentence  
13 as is reflected in his credit history. *See* Exh. 4. Exhibit 4 reflect "JC" as 202, which indicates that Sanchez  
14 received 202 days of jail credit and it was applied to his sentences. Additionally, the jail credit time  
15 subtracted from "sentence date" of September 5, 2013 equals a "retro date" of February 15, 2013,  
16 correctly reflected in his credit history. *Id.* Sanchez began receiving stat time from the date of "retro  
17 date," and thus NDOC has been appropriately applying Smith's presentence credit. *Id.*

18 **2. Sanchez is Not Entitled to Work Credits for Work He Has Not Actually**  
19 **Performed.**

20 Sanchez has no constitutionally protected liberty interest in earning work/study credit. This Court  
21 must therefore deny his claim for credit based upon work he was willing to perform but was not assigned.  
22 In Nevada, the statutes relating to work/study credits create only the possibility of earning an earlier  
23 release; they create no constitutionally protected liberty interest. Inmates must actually perform work or  
24 complete approved study programs to earn work/study credits.

25 To the extent Sanchez believes he is entitled to work credits because he is willing to work or  
26 attend educational programs, he fails to state a claim for which relief can be granted. Sanchez's request  
27 for work credit is governed by NRS 209.4465(2), which provides:

28 ///



1           2. In addition to the credits allowed pursuant to subsection 1, the Director  
2           may allow not more than 10 days of credit each month for an offender  
3           whose diligence in labor and study merits such credits. In addition to the  
4           credits allowed pursuant to this subsection, an offender is entitled to the  
5           following credits for educational achievement:

6           (a) For earning a general educational development certificate, 60 days.

7           (b) For earning a high school diploma, 90 days.

8           (c) For earning his first associate degree, 120 days.

9           This statute provides for credit for work actually performed; however, (unlike section 1 of the  
10          statute which provides for mandatory credit) work credit is discretionary. Consequently, Sanchez has no  
11          constitutionally protected liberty interest in work credits, even when he is able to work but no work is  
12          available. *See Kalka v. Vasquez*, 867 F.2d 546, 547 (9th Cir. 1989); *Toussaint v McCarthy*, 801 F.2d  
13          1080, 1094-95 (9th Cir. 1986). Sanchez claims only that he has been denied the right to earn work credit  
14          during periods when he was willing to work; not that he actually performed or completed work or study  
15          and was not granted credit. Lastly, for any days that Sanchez did receive employment, and completed  
16          work, he has been granted credit for the days he performed those tasks. *See* Exh. 4.

### 17           **3. Sanchez Has Received Meritorious Credit For Programs Completed.**

18          Sanchez argues that NDOC is not applying meritorious credit for educational programs  
19          completed. Respondents have diligently searched Sanchez's records and contend that Sanchez, for any  
20          meritorious programs he completed, has received credit. *See* Exh. 4 at 2-3. For programs that he has not  
21          taken and completed, Sanchez is not entitled to credit.

## 22           **III.**

## 23           **CONCLUSION**

24          This Court should deny Sanchez's *Petition for Writ of Habeas Corpus* as NDOC has applied all  
25          credit the Petitioner has earned, and his request for application of credit against his minimum parole  
26          eligibility date is prohibited by law.

27          Respectfully submitted October 1, 2018.

28                                   ADAM PAUL LAXALT  
                                  Attorney General

                                  By: /s/ Natasha M. Gebrael  
                                      Natasha M. Gebrael (Bar No. 14367)  
                                      Deputy Attorney General

**AFFIRMATION**  
**(Pursuant to NRS 239B.030)**

The undersigned does hereby affirm that the foregoing document does not contain the social security number of any person.

Dated: October 1, 2018

ADAM PAUL LAXALT  
Attorney General

By: /s/ Natasha M. Gebrael  
Natasha M. Gebrael (Bar No. 14367)  
Deputy Attorney General

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I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following unregistered participant at his last known address:

/s/ M. Landreth  
An employee of the Office of the Attorney General

# Exhibit 1

## Inmate Search

**Search By Offender ID**Offender ID: 

-or-

**Search By Demographics**First Name:  Wildcard %Last Name:  Wildcard %**NOTICE:**

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3393. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Brooke Santana. email: bsantina@doc.nv.gov or (775) 887-3309

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

[Download Offender Data](#)

[Demographic](#), [Alias](#), [Booking](#), [Parole](#), [Release](#)

Up to date as of 2018-09-27

**Identification and Demographics**

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution	Custody Level	Aliases	Prior Felonies
LUIS RICHARD SANCHEZ	1108190	Male	HISPANIC	49	5'5"	150lb		MEDIUM	BLACK	BROWN	HIGH DESERT STATE PRISON	CLOSE	LUIS R SANCHEZ	NO

**Booking Information**

Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. PED	Sent. MPR	Sent. County	Sent. PEXD	Sent. Type	Sent. RRD	Sent. Start Date
A007	Aggregate	Active	10 yr. 0 mo. 0 days	30 yr. 0 mo. 0 days	2023-02-14	2027-11-02	AGGREGATE SENTENCING	2028-05-04	DETERMINATE		2013-02-15

Inmate Photo Unavailable

Parole Hearing Details Unavailable

# Exhibit 2

## Information

AMENDED BY ORDER OF THE COURT  
STEVEN D. GRIERSON, CLERK OF THE COURT

BY Monique Oubre DEPUTY

4/19/13

ORIGINAL

Electronically Filed  
04/09/2013 03:24:41 PM

*Steven D. Grierson*  
CLERK OF THE COURT

1 INFO  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 ERCAN E. ISCAN  
6 Chief Deputy District Attorney  
7 Nevada Bar #009592  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 04/10/2013  
13 9:30 A.M.  
14 PUBLIC DEFENDER

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 LUIS RICHARD SANCHEZ,  
19 #2668207  
20 Defendant.

Case No: C-13-288664-1

Dept No: XXIV

INFORMATION

21 STATE OF NEVADA }  
22 COUNTY OF CLARK } ss.

23 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
24 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That LUIS RICHARD SANCHEZ, the Defendant above named, having committed  
26 the crime of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14  
27 (Category B Felony - NRS 201.230, 193.330) in the manner following, to-wit: That the  
28 said Defendant, on or between May 8, 2006 and January 31, 2013, at and within the County  
of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases  
made and provided, and against the peace and dignity of the State of Nevada,

//

//

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C-13-288664-1  
INFM  
Information  
2418403



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1 COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14


2 did, then and there willfully, lewdly, unlawfully, and feloniously attempt to commit a  
3 lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit:  
4 [REDACTED] and/or [REDACTED] said child being under the age of  
5 fourteen years, by said Defendant attempting to use his hand(s) and/or finger(s) and/or penis  
6 to touch and/or rub and/or fondle and/or tickle the chest and/or breast(s) and/or genital area  
7 of the said [REDACTED] with the intent of arousing, appealing to, or gratifying  
8 the lust, passions, or sexual desires of said Defendant, or said child.

9 COUNT 2 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14

10 did, then and there willfully, lewdly, unlawfully, and feloniously attempt to commit a  
11 lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit:  
12 [REDACTED] and/or [REDACTED] said child being under the age of  
13 fourteen years, by said Defendant attempting to use his mouth and/or tongue to kiss and/or  
14 lick and/or nibble the mouth and/or neck and/or ear(s) of the said [REDACTED]  
15 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of  
16 said Defendant, or said child.

17 STEVEN B. WOLFSON  
18 Clark County District Attorney  
19 Nevada Bar #001565

20 BY

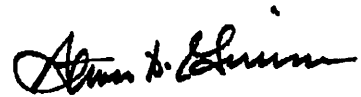
21   
22 ERCAN E. ISCAN  
23 Chief Deputy District Attorney  
24 Nevada Bar #009592

25  
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27 DA#13F02677X/hjc/SVU  
28 LVMPD EV#1302152491  
(TK02)



# Exhibit 3

## Judgment of Conviction

  
CLERK OF THE COURT

1 JOCP

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA  
5

6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C288664-1

8 -vs-

DEPT. NO. XXIV

9  
10 LUIS RICHARD SANCHEZ  
11 #2668207

12 Defendant.

13 JUDGMENT OF CONVICTION  
14 (PLEA OF GUILTY)  
15

16  
17 The Defendant previously appeared before the Court with counsel and entered  
18 a plea of guilty to the crimes of COUNTS 1 and 2 – ATTEMPT LEWDNESS WITH A  
19 CHILD UNDER THE AGE OF 14 (Category B Felony), in violation of NRS 201.230,  
20 193.330; thereafter, on the 5<sup>TH</sup> day of September, 2013, the Defendant was present in  
21 court for sentencing with his counsel, KEVIN SPEED, Deputy Public Defender, and  
22 good cause appearing,  
23

24 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
25 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee  
26 including testing to determine genetic markers, and \$760.00 Psycho-sexual Evaluation  
27 Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as  
28

1 follows: As to COUNT 1 - TO A MAXIMUM of FIFTEEN (15) YEARS with a MINIMUM  
2 parole eligibility of FIVE (5) YEAR S; and as to COUNT 2 - TO A MAXIMUM of  
3 FIFTEEN (15) YEARS with a MINIMUM parole eligibility of FIVE (5) YEARS, COUNT 2  
4 to run CONSECUTIVE to COUNT 1; with TWO HUNDRED TWO (202) days Credit for  
5 Time Served.  
6

7 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is  
8 imposed to commence upon release from any term of imprisonment, probation or  
9 parole.  
10

11 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender  
12 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any  
13 release from custody.  
14

15 DATED this 10th day of September, 2013  
16

17  
18  
19 JAMES BIXLER  
DISTRICT JUDGE  
20  
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