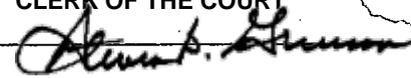


DWIGHT SOLANDER 1200038
BOX 650 HDSP
INDIAN SPRINGS, NV 89070

Electronically Filed
11/5/2020 8:42 AM
Steven D. Grierson
CLERK OF THE COURT



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8TH DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
Nov 13 2020 02:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DWIGHT SOLANDER

PETITIONER

CASE: A-20-815535-W

V

DEPT: 21

JEREMY BEAN, WARDEN HDSP

RESPONDENT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT PETITIONER, DWIGHT SOLANDER,
BY AND THROUGH HIMSELF IN PROPER PERSON, NOW APPEALS TO THE
SUPREME COURT OF THE STATE OF NEVADA THE DECISION OF THE
DISTRICT COURT. A COPY OF THE NOTICE OF ENTRY OF ORDER IS
ATTACHED HERETO.

SUBMITTED THIS 29TH DAY OF OCTOBER, 2020 BY:



DWIGHT SOLANDER 1200038
BOX 650 HDSP
INDIAN SPRINGS, NV 89070
IN PRO PER

RECEIVED
NOV 04 2020
CLERK OF THE COURT

COPY

Electronically Filed
10/13/2020 1:26 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

1 NEOJ

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 DWIGHT SOLANDER,

5
6 Petitioner,

Case No: A-20-815535-W

Dept. No: XXI

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondent,

10 NOTICE OF ENTRY OF ORDER

11 PLEASE TAKE NOTICE that on October 9, 2020, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on October 13, 2020.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 CERTIFICATE OF E-SERVICE / MAILING

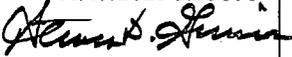
20 I hereby certify that on this 13 day of October 2020, I served a copy of this Notice of Entry on the
21 following:

22 By e-mail:
Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23
24 The United States mail addressed as follows:
Dwight Solander # 1200038
25 P.O. Box 650
26 Indian Springs, NV 89070

27 /s/ Amanda Hampton

28 Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

1 **DAO**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 DWIGHT SOLANDER,

6 Petitioner,

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondents.

Case No. A-20-815535-W

Dept. No. XXI

10 **DECISION AND ORDER**

11 THIS CAUSE came before the Honorable Valerie Adair on September 1, 2020, for a hearing of
12 Petitioner Dwight Solander's Petition for Writ of Habeas Corpus (Post-Conviction) filed on May 27,
13 2020. Respondents filed a response on July 13, 2020 and Petitioner Solander filed a Legal Brief in
14 Support of his Petition for Writ of Habeas Corpus Per NRS 34.360 on August 14, 2020. Deputy Attorney
15 General Katrina A. Samuels appeared on behalf of Respondents and Petitioner Solander was not present.
16 At the hearing, the Court did not entertain argument and made its decision based solely upon the
17 pleadings.

18 THE COURT FINDS that Petitioner Dwight Solander ("Mr. Solander") is currently incarcerated
19 at High Desert State Prison for criminal acts he committed on or between January 19, 2011 and November
20 11, 2013. The Eighth Judicial District Court adjudicated Mr. Solander guilty of three counts of Child
21 Abuse, Neglect or Endangerment Resulting in Substantial Bodily Harm, all category B felonies.

22 THE COURT FURTHER FINDS that Mr. Solander was sentenced to three concurrent terms of
23 one hundred twenty months incarceration with minimum parole eligibility after thirty-six months. Mr.
24 Solander began serving his prison sentence on June 5, 2018 and his parole eligibility date ("PED") is set
25 for February 19, 2021.

26 WHEREFORE THE COURT CONCLUDES that Mr. Solander has improperly challenged the
27 conditions of his confinement by attempting to challenge his prison classification. Petitions for writs of
28 habeas corpus may challenge the validity of current confinement, but not the conditions thereof. *Bowen*

1 v. *Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (citing *Director, Dep't Prisons v. Arndt*, 98
2 Nev. 84 (1982); *Rogers v. Warden*, 84 Nev. 539 (1962) and *Rainsberger v. Leypoldt*, 77 Nev. 399 (1961)).
3 Mr. Solander's allegations speak only to the conditions of his confinement and not to the validity of his
4 confinement. He is complaining that the Nevada Department of Corrections (NDOC) has classified him
5 as a violent offender which may impact his ability to receive parole at some future date. But "[t]here is
6 no constitutional or inherent right of a convicted person to be conditionally released before the expiration
7 of a valid sentence." *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 7, 99 S. Ct.
8 2100, 2104, (1979). So even if Mr. Solander's allegations are true, they do not violate a protected right.
9 Consequently, Mr. Solander's challenge to the conditions of his confinement are not cognizable in a
10 petition for a writ of habeas corpus.

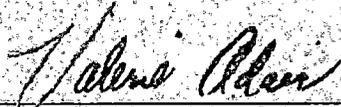
11 WHEREFORE THE COURT FURTHER CONCLUDES that NRS 209.4465 applies to Mr.
12 Solander, whose crimes were committed after July 17, 1997. Under NRS 209.4465(8), an offender who
13 is convicted of a felony involving the use or threatened use of force or violence against the victim, a
14 felony sex offense, a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as
15 a felony, or, who has been convicted of a category A or B felony, is not eligible to have his credits applied
16 against his parole eligibility or minimum sentence. NRS 209.4465(8)(a)-(d). Mr. Solander is currently
17 serving three concurrent terms for category B felonies. Pursuant to NRS 209.4465(8)(d) he is ineligible
18 for credit against his minimum sentence. While it could also be argued that Mr. Solander was convicted
19 of violent offenses under NRS 209.4465(8)(a), it is not necessary to make that additional determination
20 because his offenses are category B felonies, which already prevent the application of credit against his
21 minimum sentence. Therefore, any work, good time, meritorious, educational, or vocational credit that
22 Mr. Solander has earned can only be applied to his maximum sentence. A review of Mr. Solander's credit
23 history sheets shows that all credit Mr. Solander has earned has been properly applied to his maximum
24 sentence each month, and his PED is set for February 19, 2021. Because Mr. Solander has not served the
25 requisite term of imprisonment in order to become eligible to appear before a parole board, his claim is
26 not ripe for review.

27 ~~WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Solander's claim regarding his~~
28 ~~prison classification is not cognizable for habeas relief, and he has not served the requisite term of~~

1 ~~imprisonment in order to become eligible to appear before a parole board, making his claim for a parole~~
2 ~~hearing not ripe for review.~~

3 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4 Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5 IT IS SO ORDERED this _____ day of _____ 2020.
6 ~~Dated this 9th day of October, 2020~~

7 
8 _____
9 The Honorable Valerie Adair
10 District Court Judge
11 F99 EE8 AF38 D2F9
12 Valerie Adair
13 District Court Judge

9 Submitted by:

10 AARON D. FORD
11 Attorney General

TW

12 /s/ Katrina A. Samuels
13 Katrina A. Samuels (Bar No. 13394)
14 Deputy Attorney General
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 Dwight Solander, Plaintiff(s)

CASE NO: A-20-815535-W

7 vs.

DEPT. NO. Department 21

8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decision and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 10/9/2020

16 Marsha Landreth

mlandreth@ag.nv.gov

17 Rikki Garate

rgarate@ag.nv.gov

18 Katrina Samuels

KSamuels@ag.nv.gov

19 Cheryl Martinez

cjmartinez@ag.nv.gov

20

21

22

23

24

25

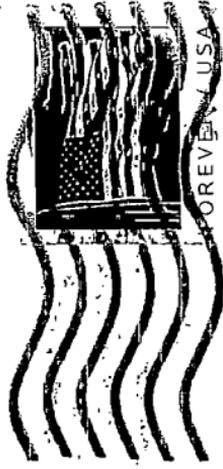
26

27

28

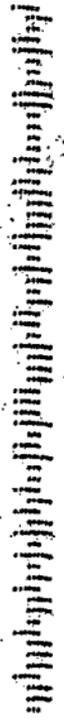
SOLANDER 1200038
BOX 650
89070

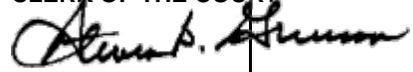
LAS VEGAS NV 890
2 NOV 2020 PM 4 L



CLERK OF DISTRICT COURT
200 LEWIS AVE 3RD FLOOR
LAS VEGAS, NV 89115

95101-630000





1 ASTA

2

3

4

5

6

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

7

8

9

DWIGHT SOLANDER,

Case No: A-20-815535-W

10

Plaintiff(s),

Dept No: XXI

11

vs.

12

13

JEREMY BEAN, WARDEN HDSP,

14

Defendant(s),

15

16

CASE APPEAL STATEMENT

17

18

1. Appellant(s): Dwight Solander

19

2. Judge: Valeria Adair

20

3. Appellant(s): Dwight Solander

21

Counsel:

22

Dwight Solander #1200038

23

P.O. Box 650

24

Indian Springs, NV 89070

25

4. Respondent (s): Jeremy Bean, Warden HDSP

26

Counsel:

27

Steven B. Wolfson, District Attorney

28

200 Lewis Ave.

Las Vegas, NV 89155-2212

- 1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
2 Permission Granted: N/A
3 Respondent(s)'s Attorney Licensed in Nevada: Yes
4 Permission Granted: N/A
5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
6 7. Appellant Represented by Appointed Counsel On Appeal: N/A
7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
8 **Expires 1 year from date filed
9 Appellant Filed Application to Proceed in Forma Pauperis: No
10 Date Application(s) filed: N/A
11 9. Date Commenced in District Court: May 27, 2020
12 10. Brief Description of the Nature of the Action: Civil Writ
13 Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
14 11. Previous Appeal: No
15 Supreme Court Docket Number(s): N/A
16 12. Child Custody or Visitation: N/A
17 13. Possibility of Settlement: Unknown

18 Dated This 9 day of November 2020.

19 Steven D. Grierson, Clerk of the Court

20 /s/ Heather Ungermann

21 Heather Ungermann, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26 cc: Dwight Solander
27
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. A-20-815535-W

Dwight Solander, Plaintiff(s)
vs.
Jeremy Bean, Warden HDSP, Defendant(s)

§
§
§
§
§

Location: **Department 21**
 Judicial Officer: **Adair, Valerie**
 Filed on: **05/27/2020**
 Cross-Reference Case Number: **A815535**

CASE INFORMATION

Related Cases

C-14-299737-1 (Writ Related Case)

Case Type: **Writ of Habeas Corpus**

Case Status: **05/27/2020 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-20-815535-W
Court	Department 21
Date Assigned	05/27/2020
Judicial Officer	Adair, Valerie

PARTY INFORMATION

Plaintiff

Solander, Dwight

Lead Attorneys

Pro Se

Defendant

Jeremy Bean, Warden HDSP

Samuels, Katrina Ann
Retained

DATE

EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

- | | |
|------------|---|
| 05/27/2020 |  Inmate Filed - Petition for Writ of Habeas Corpus
Party: Plaintiff Solander, Dwight
<i>Post Conviction</i> |
| 05/27/2020 |  Order for Petition for Writ of Habeas Corpus
<i>Order for Petition for Writ of Habeas Corpus</i> |
| 06/17/2020 |  Motion
Filed By: Plaintiff Solander, Dwight
<i>Motion for 20 Day Leave of Court to File Legal Brief in Support of Petition</i> |
| 06/17/2020 |  Clerk's Notice of Hearing
<i>Notice of Hearing</i> |
| 06/18/2020 |  Order Granting
Filed By: Plaintiff Solander, Dwight
<i>Order Granting 20 Day Leave or Court</i> |
| 07/09/2020 |  Amended Petition
Filed By: Plaintiff Solander, Dwight
<i>1 st Amended Petition for Writ of Habeas Corpus (Post Conviction) Pursuant to NRS 34.360</i> |

CASE SUMMARY
CASE NO. A-20-815535-W

07/13/2020



Response

Filed by: Defendant Jeremy Bean, Warden HDSP
Response to Petition for Writ of Habeas Corpus

07/27/2020



Motion

Filed By: Plaintiff Solander, Dwight
Motion to Extend Leave to File Legal Brief In Support of Petition

07/27/2020



Order

Filed By: Plaintiff Solander, Dwight
Order Extending Leave to File Legal Brief in Support of Motion

08/14/2020



Brief

Filed By: Plaintiff Solander, Dwight
Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360

09/03/2020



Opposition

Filed By: Plaintiff Solander, Dwight
State's Opposition to Defendant's Motion to Stay Time to File Writ

10/09/2020



Decision and Order

Decision and Order

10/13/2020



Notice of Entry of Order

Filed By: Defendant Jeremy Bean, Warden HDSP
Notice of Entry of Order

11/05/2020



Notice of Appeal

Notice of Appeal

11/09/2020



Case Appeal Statement

Filed By: Plaintiff Solander, Dwight
Case Appeal Statement

HEARINGS

09/01/2020



Petition for Writ of Habeas Corpus (1:45 PM) (Judicial Officer: Adair, Valerie)

Denied;

Journal Entry Details:

Court stated that the motion will be decided on the briefs. Court stated its findings and ORDERED, Motion DENIED. State to prepare the Order.;

09/01/2020

CANCELED Motion (1:45 PM) (Judicial Officer: Adair, Valerie)

Vacated - per Order

Plaintiff's Motion for 20 Day Leave of Court to File Legal Brief in Support of Petition

DISTRICT COURT CIVIL COVER SHEET

A-20-815535-W
Dept. 21

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone): <p style="text-align: center;">Dwight Solander</p>	Defendant(s) (name/address/phone): <p style="text-align: center;">Jeremy Bean, Warden HDSP</p>
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

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

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

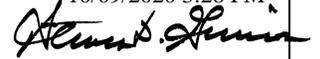
May 27, 2020

PREPARED BY CLERK

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 **DAO**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 DWIGHT SOLANDER,

6 Petitioner,

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondents.

Case No. A-20-815535-W

Dept. No. XXI

10 **DECISION AND ORDER**

11 THIS CAUSE came before the Honorable Valerie Adair on September 1, 2020, for a hearing of
12 Petitioner Dwight Solander's Petition for Writ of Habeas Corpus (Post-Conviction) filed on May 27,
13 2020. Respondents filed a response on July 13, 2020 and Petitioner Solander filed a Legal Brief in
14 Support of his Petition for Writ of Habeas Corpus Per NRS 34.360 on August 14, 2020. Deputy Attorney
15 General Katrina A. Samuels appeared on behalf of Respondents and Petitioner Solander was not present.
16 At the hearing, the Court did not entertain argument and made its decision based solely upon the
17 pleadings.

18 THE COURT FINDS that Petitioner Dwight Solander ("Mr. Solander") is currently incarcerated
19 at High Desert State Prison for criminal acts he committed on or between January 19, 2011 and November
20 11, 2013. The Eighth Judicial District Court adjudicated Mr. Solander guilty of three counts of Child
21 Abuse, Neglect or Endangerment Resulting in Substantial Bodily Harm, all category B felonies.

22 THE COURT FURTHER FINDS that Mr. Solander was sentenced to three concurrent terms of
23 one hundred twenty months incarceration with minimum parole eligibility after thirty-six months. Mr.
24 Solander began serving his prison sentence on June 5, 2018 and his parole eligibility date ("PED") is set
25 for February 19, 2021.

26 WHEREFORE THE COURT CONCLUDES that Mr. Solander has improperly challenged the
27 conditions of his confinement by attempting to challenge his prison classification. Petitions for writs of
28 habeas corpus may challenge the validity of current confinement, but not the conditions thereof. *Bowen*

1 v. *Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (citing *Director, Dep't Prisons v. Arndt*, 98
2 Nev. 84 (1982); *Rogers v. Warden*, 84 Nev. 539 (1962) and *Rainsberger v. Leypoldt*, 77 Nev. 399 (1961)).
3 Mr. Solander's allegations speak only to the conditions of his confinement and not to the validity of his
4 confinement. He is complaining that the Nevada Department of Corrections (NDOC) has classified him
5 as a violent offender which may impact his ability to receive parole at some future date. But "[t]here is
6 no constitutional or inherent right of a convicted person to be conditionally released before the expiration
7 of a valid sentence." *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 7, 99 S. Ct.
8 2100, 2104, (1979). So even if Mr. Solander's allegations are true, they do not violate a protected right.
9 Consequently, Mr. Solander's challenge to the conditions of his confinement are not cognizable in a
10 petition for a writ of habeas corpus.

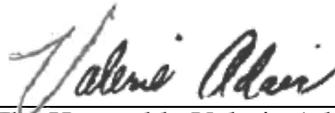
11 WHEREFORE THE COURT FURTHER CONCLUDES that NRS 209.4465 applies to Mr.
12 Solander, whose crimes were committed after July 17, 1997. Under NRS 209.4465(8), an offender who
13 is convicted of a felony involving the use or threatened use of force or violence against the victim, a
14 felony sex offense, a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as
15 a felony, or, who has been convicted of a category A or B felony, is not eligible to have his credits applied
16 against his parole eligibility or minimum sentence. NRS 209.4465(8)(a)-(d). Mr. Solander is currently
17 serving three concurrent terms for category B felonies. Pursuant to NRS 209.4465(8)(d) he is ineligible
18 for credit against his minimum sentence. While it could also be argued that Mr. Solander was convicted
19 of violent offenses under NRS 209.4465(8)(a), it is not necessary to make that additional determination
20 because his offenses are category B felonies, which already prevent the application of credit against his
21 minimum sentence. Therefore, any work, good time, meritorious, educational, or vocational credit that
22 Mr. Solander has earned can only be applied to his maximum sentence. A review of Mr. Solander's credit
23 history sheets shows that all credit Mr. Solander has earned has been properly applied to his maximum
24 sentence each month, and his PED is set for February 19, 2021. Because Mr. Solander has not served the
25 requisite term of imprisonment in order to become eligible to appear before a parole board, his claim is
26 not ripe for review.

27 ~~WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Solander's claim regarding his~~
28 ~~prison classification is not cognizable for habeas relief, and he has not served the requisite term of~~

1 ~~imprisonment in order to become eligible to appear before a parole board, making his claim for a parole~~
2 ~~hearing not ripe for review.~~

3 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4 Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5 IT IS SO ORDERED this _____ day of _____ ~~_____~~ ^{2020.} Dated this 9th day of October, 2020

6 

7 _____
8 The Honorable Valerie Adair
9 District Court Judge
10 F99 EE8 AF38 D2F9
11 Valerie Adair
12 District Court Judge

9 Submitted by:

10 AARON D. FORD
11 Attorney General

TW

12 /s/ Katrina A. Samuels
13 Katrina A. Samuels (Bar No. 13394)
14 Deputy Attorney General

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dwight Solander, Plaintiff(s)

CASE NO: A-20-815535-W

7 vs.

DEPT. NO. Department 21

8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decision and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/9/2020

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Katrina Samuels

KSamuels@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

20

21

22

23

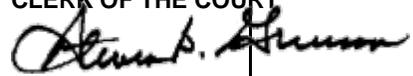
24

25

26

27

28



1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 DWIGHT SOLANDER,

5
6 Petitioner,

Case No: A-20-815535-W

Dept. No: XXI

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on October 9, 2020, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

12 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 October 13, 2020.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

17
18
19 CERTIFICATE OF E-SERVICE / MAILING

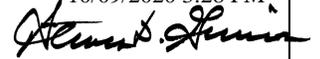
20 I hereby certify that on this 13 day of October 2020, I served a copy of this Notice of Entry on the following:

21 By e-mail:
22 Clark County District Attorney's Office
23 Attorney General's Office – Appellate Division-

24 The United States mail addressed as follows:
25 Dwight Solander # 1200038
26 P.O. Box 650
27 Indian Springs, NV 89070

28 /s/ Amanda Hampton

Amanda Hampton, Deputy Clerk


CLERK OF THE COURT

1 **DAO**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 DWIGHT SOLANDER,

6 Petitioner,

7 vs.

8 JEREMY BEAN, WARDEN HDSP,

9 Respondents.

Case No. A-20-815535-W

Dept. No. XXI

10 **DECISION AND ORDER**

11 THIS CAUSE came before the Honorable Valerie Adair on September 1, 2020, for a hearing of
12 Petitioner Dwight Solander's Petition for Writ of Habeas Corpus (Post-Conviction) filed on May 27,
13 2020. Respondents filed a response on July 13, 2020 and Petitioner Solander filed a Legal Brief in
14 Support of his Petition for Writ of Habeas Corpus Per NRS 34.360 on August 14, 2020. Deputy Attorney
15 General Katrina A. Samuels appeared on behalf of Respondents and Petitioner Solander was not present.
16 At the hearing, the Court did not entertain argument and made its decision based solely upon the
17 pleadings.

18 THE COURT FINDS that Petitioner Dwight Solander ("Mr. Solander") is currently incarcerated
19 at High Desert State Prison for criminal acts he committed on or between January 19, 2011 and November
20 11, 2013. The Eighth Judicial District Court adjudicated Mr. Solander guilty of three counts of Child
21 Abuse, Neglect or Endangerment Resulting in Substantial Bodily Harm, all category B felonies.

22 THE COURT FURTHER FINDS that Mr. Solander was sentenced to three concurrent terms of
23 one hundred twenty months incarceration with minimum parole eligibility after thirty-six months. Mr.
24 Solander began serving his prison sentence on June 5, 2018 and his parole eligibility date ("PED") is set
25 for February 19, 2021.

26 WHEREFORE THE COURT CONCLUDES that Mr. Solander has improperly challenged the
27 conditions of his confinement by attempting to challenge his prison classification. Petitions for writs of
28 habeas corpus may challenge the validity of current confinement, but not the conditions thereof. *Bowen*

1 v. *Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984) (citing *Director, Dep't Prisons v. Arndt*, 98
2 Nev. 84 (1982); *Rogers v. Warden*, 84 Nev. 539 (1962) and *Rainsberger v. Leypoldt*, 77 Nev. 399 (1961)).
3 Mr. Solander's allegations speak only to the conditions of his confinement and not to the validity of his
4 confinement. He is complaining that the Nevada Department of Corrections (NDOC) has classified him
5 as a violent offender which may impact his ability to receive parole at some future date. But "[t]here is
6 no constitutional or inherent right of a convicted person to be conditionally released before the expiration
7 of a valid sentence." *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 7, 99 S. Ct.
8 2100, 2104, (1979). So even if Mr. Solander's allegations are true, they do not violate a protected right.
9 Consequently, Mr. Solander's challenge to the conditions of his confinement are not cognizable in a
10 petition for a writ of habeas corpus.

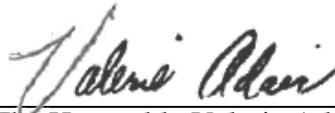
11 WHEREFORE THE COURT FURTHER CONCLUDES that NRS 209.4465 applies to Mr.
12 Solander, whose crimes were committed after July 17, 1997. Under NRS 209.4465(8), an offender who
13 is convicted of a felony involving the use or threatened use of force or violence against the victim, a
14 felony sex offense, a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as
15 a felony, or, who has been convicted of a category A or B felony, is not eligible to have his credits applied
16 against his parole eligibility or minimum sentence. NRS 209.4465(8)(a)-(d). Mr. Solander is currently
17 serving three concurrent terms for category B felonies. Pursuant to NRS 209.4465(8)(d) he is ineligible
18 for credit against his minimum sentence. While it could also be argued that Mr. Solander was convicted
19 of violent offenses under NRS 209.4465(8)(a), it is not necessary to make that additional determination
20 because his offenses are category B felonies, which already prevent the application of credit against his
21 minimum sentence. Therefore, any work, good time, meritorious, educational, or vocational credit that
22 Mr. Solander has earned can only be applied to his maximum sentence. A review of Mr. Solander's credit
23 history sheets shows that all credit Mr. Solander has earned has been properly applied to his maximum
24 sentence each month, and his PED is set for February 19, 2021. Because Mr. Solander has not served the
25 requisite term of imprisonment in order to become eligible to appear before a parole board, his claim is
26 not ripe for review.

27 ~~WHEREFORE THE COURT FURTHER CONCLUDES that Mr. Solander's claim regarding his~~
28 ~~prison classification is not cognizable for habeas relief, and he has not served the requisite term of~~

1 ~~imprisonment in order to become eligible to appear before a parole board, making his claim for a parole~~
2 ~~hearing not ripe for review.~~

3 THEREFORE, IT IS HEREBY ORDERED that Mr. Solander's Petition for Writ of Habeas
4 Corpus and Legal Brief in Support of Petition for Writ of Habeas Corpus Per NRS 34.360 is DENIED.

5 IT IS SO ORDERED this _____ day of _____ ~~_____~~ ^{2020.} Dated this 9th day of October, 2020

6 

7 _____
8 The Honorable Valerie Adair
9 District Court Judge
10 F99 EE8 AF38 D2F9
11 Valerie Adair
12 District Court Judge

9 Submitted by:

10 AARON D. FORD
11 Attorney General

TW

12 /s/ Katrina A. Samuels
13 Katrina A. Samuels (Bar No. 13394)
14 Deputy Attorney General

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dwight Solander, Plaintiff(s)

CASE NO: A-20-815535-W

7 vs.

DEPT. NO. Department 21

8 Jeremy Bean, Warden HDSP,
9 Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Decision and Order was served via the court's electronic eFile system
to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/9/2020

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Katrina Samuels

KSamuels@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

20

21

22

23

24

25

26

27

28

A-20-815535-W Dwight Solander, Plaintiff(s)
vs.
Jeremy Bean, Warden HDSP, Defendant(s)

September 01, 2020 01:45 PM Petition for Writ of Habeas Corpus

HEARD BY: Adair, Valerie COURTROOM: RJC Courtroom 11C

COURT CLERK: Brown, Kristen

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Katrina Ann Samuels Attorney for Defendant

JOURNAL ENTRIES

Court stated that the motion will be decided on the briefs. Court stated its findings and ORDERED, Motion DENIED. State to prepare the Order.

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

DWIGHT SOLANDER,

Plaintiff(s),

vs.

JEREMY BEAN, WARDEN HDSP,

Defendant(s),

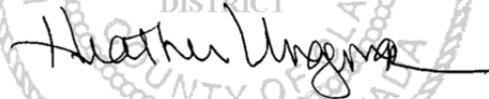
Case No: A-20-815535-W

Dept No: XXI

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 9 day of November 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

