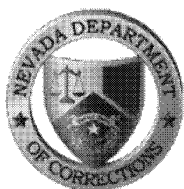


Electronically Filed
Sep 27 2021 12:59 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Exhibit 4

Credit History Report



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

Offender: WEISS, JUSTIN - 0001221491						Sentence: 3		Count: 1
Current Earned Expiration Date: 10/02/2030								
Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_191280_3	08/14/2019	1632	02/24/2015	20y 0m 0d	7305	02/23/2023	02/13/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/24/2015	02/28/2015	FLAT	5	No Comment	7300
02/24/2015	02/28/2015	STAT	4	No Comment	7296
02/24/2015	02/28/2015	WORK	0	No Comment	7296
03/01/2015	03/31/2015	FLAT	31	No Comment	7265
03/01/2015	03/31/2015	STAT	20	No Comment	7245
03/01/2015	03/31/2015	WORK	0	No Comment	7245
04/01/2015	04/30/2015	FLAT	30	No Comment	7215
04/01/2015	04/30/2015	STAT	20	No Comment	7195
04/01/2015	04/30/2015	WORK	0	No Comment	7195
05/01/2015	05/31/2015	FLAT	31	No Comment	7164
05/01/2015	05/31/2015	STAT	20	No Comment	7144
05/01/2015	05/31/2015	WORK	0	No Comment	7144
06/01/2015	06/30/2015	FLAT	30	No Comment	7114
06/01/2015	06/30/2015	STAT	20	No Comment	7094
06/01/2015	06/30/2015	WORK	0	No Comment	7094
07/01/2015	07/31/2015	FLAT	31	No Comment	7063
07/01/2015	07/31/2015	STAT	20	No Comment	7043
07/01/2015	07/31/2015	WORK	0	No Comment	7043
08/01/2015	08/31/2015	FLAT	31	No Comment	7012
08/01/2015	08/31/2015	STAT	20	No Comment	6992
08/01/2015	08/31/2015	WORK	0	No Comment	6992
09/01/2015	09/30/2015	FLAT	30	No Comment	6962
09/01/2015	09/30/2015	STAT	20	No Comment	6942
09/01/2015	09/30/2015	WORK	0	No Comment	6942
10/01/2015	10/31/2015	FLAT	31	No Comment	6911
10/01/2015	10/31/2015	STAT	20	No Comment	6891
10/01/2015	10/31/2015	WORK	0	No Comment	6891
11/01/2015	11/30/2015	FLAT	30	No Comment	6861
11/01/2015	11/30/2015	STAT	20	No Comment	6841
11/01/2015	11/30/2015	WORK	0	No Comment	6841
12/01/2015	12/31/2015	FLAT	31	No Comment	6810
12/01/2015	12/31/2015	STAT	20	No Comment	6790
12/01/2015	12/31/2015	WORK	0	No Comment	6790
01/01/2016	01/31/2016	FLAT	31	No Comment	6759
01/01/2016	01/31/2016	STAT	20	No Comment	6739
01/01/2016	01/31/2016	WORK	0	No Comment	6739
02/01/2016	02/29/2016	FLAT	29	No Comment	6710

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Offender: WEISS, JUSTIN - 0001221491

Sentence: 3

Count: 1

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AG_191280_3	08/14/2019	1632	02/24/2015	20y 0m 0d	7305	02/23/2023	02/13/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2016	02/29/2016	STAT	20	No Comment	6690
02/01/2016	02/29/2016	WORK	0	No Comment	6690
03/01/2016	03/31/2016	FLAT	31	No Comment	6659
03/01/2016	03/31/2016	STAT	20	No Comment	6639
03/01/2016	03/31/2016	WORK	0	No Comment	6639
04/01/2016	04/30/2016	FLAT	30	No Comment	6609
04/01/2016	04/30/2016	STAT	20	No Comment	6589
04/01/2016	04/30/2016	WORK	0	No Comment	6589
05/01/2016	05/31/2016	FLAT	31	No Comment	6558
05/01/2016	05/31/2016	STAT	20	No Comment	6538
05/01/2016	05/31/2016	WORK	0	No Comment	6538
06/01/2016	06/30/2016	FLAT	30	No Comment	6508
06/01/2016	06/30/2016	STAT	20	No Comment	6488
06/01/2016	06/30/2016	WORK	0	No Comment	6488
07/01/2016	07/31/2016	FLAT	31	No Comment	6457
07/01/2016	07/31/2016	STAT	20	No Comment	6437
07/01/2016	07/31/2016	WORK	0	No Comment	6437
08/01/2016	08/31/2016	FLAT	31	No Comment	6406
08/01/2016	08/31/2016	STAT	20	No Comment	6386
08/01/2016	08/31/2016	WORK	0	No Comment	6386
09/01/2016	09/30/2016	FLAT	30	No Comment	6356
09/01/2016	09/30/2016	STAT	20	No Comment	6336
09/01/2016	09/30/2016	WORK	0	No Comment	6336
10/01/2016	10/31/2016	FLAT	31	No Comment	6305
10/01/2016	10/31/2016	STAT	20	No Comment	6285
10/01/2016	10/31/2016	WORK	0	No Comment	6285
11/01/2016	11/30/2016	FLAT	30	No Comment	6255
11/01/2016	11/30/2016	STAT	20	No Comment	6235
11/01/2016	11/30/2016	WORK	0	No Comment	6235
12/01/2016	12/31/2016	FLAT	31	No Comment	6204
12/01/2016	12/31/2016	STAT	20	No Comment	6184
12/01/2016	12/31/2016	WORK	0	No Comment	6184
01/01/2017	01/31/2017	FLAT	31	No Comment	6153
01/01/2017	01/31/2017	STAT	20	No Comment	6133
01/01/2017	01/31/2017	WORK	0	No Comment	6133
02/01/2017	02/28/2017	FLAT	28	No Comment	6105
02/01/2017	02/28/2017	STAT	20	No Comment	6085
02/01/2017	02/28/2017	WORK	0	No Comment	6085
03/01/2017	03/31/2017	FLAT	31	No Comment	6054
03/01/2017	03/31/2017	STAT	20	No Comment	6034
03/01/2017	03/31/2017	WORK	0	No Comment	6034
04/01/2017	04/30/2017	FLAT	30	No Comment	6004
04/01/2017	04/30/2017	STAT	20	No Comment	5984

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
04/01/2017	04/30/2017	WORK	0	No Comment	5984
05/01/2017	05/31/2017	FLAT	31	No Comment	5953
05/01/2017	05/31/2017	STAT	20	No Comment	5933
05/01/2017	05/31/2017	WORK	0	No Comment	5933
06/01/2017	06/30/2017	FLAT	30	No Comment	5903
06/01/2017	06/30/2017	STAT	20	No Comment	5883
06/01/2017	06/30/2017	WORK	0	No Comment	5883
07/01/2017	07/31/2017	FLAT	31	No Comment	5852
07/01/2017	07/31/2017	STAT	20	No Comment	5832
07/01/2017	07/31/2017	WORK	0	No Comment	5832
08/01/2017	08/31/2017	FLAT	31	No Comment	5801
08/01/2017	08/31/2017	STAT	20	No Comment	5781
08/01/2017	08/31/2017	WORK	0	No Comment	5781
09/01/2017	09/30/2017	FLAT	30	No Comment	5751
09/01/2017	09/30/2017	STAT	20	No Comment	5731
09/01/2017	09/30/2017	WORK	0	No Comment	5731
10/01/2017	10/31/2017	FLAT	31	No Comment	5700
10/01/2017	10/31/2017	STAT	20	No Comment	5680
10/01/2017	10/31/2017	WORK	0	No Comment	5680
11/01/2017	11/30/2017	FLAT	30	No Comment	5650
11/01/2017	11/30/2017	STAT	20	No Comment	5630
11/01/2017	11/30/2017	WORK	0	No Comment	5630
12/01/2017	12/31/2017	FLAT	31	No Comment	5599
12/01/2017	12/31/2017	STAT	20	No Comment	5579
12/01/2017	12/31/2017	WORK	0	No Comment	5579
01/01/2018	01/31/2018	FLAT	31	No Comment	5548
01/01/2018	01/31/2018	STAT	20	No Comment	5528
01/01/2018	01/31/2018	WORK	0	No Comment	5528
02/01/2018	02/28/2018	FLAT	28	No Comment	5500
02/01/2018	02/28/2018	STAT	20	No Comment	5480
02/01/2018	02/28/2018	WORK	0	No Comment	5480
03/01/2018	03/31/2018	FLAT	31	No Comment	5449
03/01/2018	03/31/2018	STAT	20	No Comment	5429
03/01/2018	03/31/2018	WORK	0	No Comment	5429
04/01/2018	04/30/2018	FLAT	30	No Comment	5399
04/01/2018	04/30/2018	STAT	20	No Comment	5379
04/01/2018	04/30/2018	WORK	0	No Comment	5379
05/01/2018	05/31/2018	FLAT	31	No Comment	5348
05/01/2018	05/31/2018	STAT	20	No Comment	5328
05/01/2018	05/31/2018	WORK	0	No Comment	5328
06/01/2018	06/30/2018	FLAT	30	No Comment	5298
06/01/2018	06/30/2018	STAT	20	No Comment	5278
06/01/2018	06/30/2018	WORK	0	No Comment	5278

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
07/01/2018	07/31/2018	FLAT	31	No Comment	5247
07/01/2018	07/31/2018	STAT	20	No Comment	5227
07/01/2018	07/31/2018	WORK	0	No Comment	5227
08/01/2018	08/31/2018	FLAT	31	No Comment	5196
08/01/2018	08/31/2018	STAT	20	No Comment	5176
08/01/2018	08/31/2018	WORK	0	No Comment	5176
09/01/2018	09/30/2018	FLAT	30	No Comment	5146
09/01/2018	09/30/2018	STAT	20	No Comment	5126
09/01/2018	09/30/2018	WORK	0	No Comment	5126
10/01/2018	10/31/2018	FLAT	31	No Comment	5095
10/01/2018	10/31/2018	STAT	20	No Comment	5075
10/01/2018	10/31/2018	WORK	0	No Comment	5075
11/01/2018	11/30/2018	FLAT	30	No Comment	5045
11/01/2018	11/30/2018	STAT	20	No Comment	5025
11/01/2018	11/30/2018	WORK	0	No Comment	5025
12/01/2018	12/31/2018	FLAT	31	No Comment	4994
12/01/2018	12/31/2018	STAT	20	No Comment	4974
12/01/2018	12/31/2018	WORK	0	No Comment	4974
01/01/2019	01/31/2019	FLAT	31	No Comment	4943
01/01/2019	01/31/2019	STAT	20	No Comment	4923
01/01/2019	01/31/2019	WORK	0	No Comment	4923
02/01/2019	02/28/2019	FLAT	28	No Comment	4895
02/01/2019	02/28/2019	STAT	20	No Comment	4875
02/01/2019	02/28/2019	WORK	0	No Comment	4875
03/01/2019	03/31/2019	FLAT	31	No Comment	4844
03/01/2019	03/31/2019	STAT	20	No Comment	4824
03/01/2019	03/31/2019	WORK	0	No Comment	4824
04/01/2019	04/30/2019	FLAT	30	No Comment	4794
04/01/2019	04/30/2019	STAT	20	No Comment	4774
04/01/2019	04/30/2019	WORK	0	No Comment	4774
05/01/2019	05/31/2019	FLAT	31	No Comment	4743
05/01/2019	05/31/2019	STAT	20	No Comment	4723
05/01/2019	05/31/2019	WORK	0	No Comment	4723
06/01/2019	06/30/2019	FLAT	30	No Comment	4693
06/01/2019	06/30/2019	STAT	20	No Comment	4673
06/01/2019	06/30/2019	WORK	0	No Comment	4673
07/01/2019	07/31/2019	FLAT	31	No Comment	4642
07/01/2019	07/31/2019	STAT	20	No Comment	4622
07/01/2019	07/31/2019	WORK	0	No Comment	4622
08/01/2019	08/13/2019	FLAT	13	No Comment	4609
08/01/2019	08/13/2019	STAT	9	No Comment	4600
08/01/2019	08/31/2019	WORK	0	Reduction for not working	4600
08/14/2019	08/31/2019	FLAT	18	No Comment	4582

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/14/2019	08/31/2019	STAT	11	No Comment	4571
09/01/2019	09/30/2019	FLAT	30	No Comment	4541
09/01/2019	09/30/2019	STAT	20	No Comment	4521
09/01/2019	09/30/2019	WORK	0	Reduction for not working	4521
10/01/2019	10/31/2019	FLAT	31	No Comment	4490
10/01/2019	10/31/2019	STAT	20	No Comment	4470
10/01/2019	10/31/2019	WORK	0	Reduction for not working	4470
11/01/2019	11/30/2019	FLAT	30	No Comment	4440
11/01/2019	11/30/2019	STAT	20	No Comment	4420
11/01/2019	11/30/2019	WORK	0	Reduction for not working	4420
12/01/2019	12/31/2019	FLAT	31	No Comment	4389
12/01/2019	12/31/2019	STAT	20	No Comment	4369
12/01/2019	12/31/2019	WORK	0	Reduction for not working	4369
01/01/2020	01/31/2020	FLAT	31	No Comment	4338
01/01/2020	01/31/2020	STAT	20	No Comment	4318
01/01/2020	01/31/2020	WORK	0	Reduction for not working	4318
02/01/2020	02/29/2020	FLAT	29	No Comment	4289
02/01/2020	02/29/2020	STAT	20	No Comment	4269
02/01/2020	02/29/2020	WORK	0	Reduction for not working	4269
03/01/2020	03/31/2020	FLAT	31	No Comment	4238
03/01/2020	03/31/2020	STAT	20	No Comment	4218
03/01/2020	03/31/2020	WORK	6	No Comment	4212
04/01/2020	04/30/2020	FLAT	30	No Comment	4182
04/01/2020	04/30/2020	STAT	20	No Comment	4162
04/01/2020	04/30/2020	WORK	10	Reduction for not working	4152
05/01/2020	05/31/2020	FLAT	31	No Comment	4121
05/01/2020	05/31/2020	STAT	20	No Comment	4101
05/01/2020	05/31/2020	WORK	10	No Comment	4091
06/01/2020	06/30/2020	FLAT	30	No Comment	4061
06/01/2020	06/30/2020	STAT	20	No Comment	4041
06/01/2020	06/30/2020	WORK	10	No Comment	4031
07/01/2020	07/31/2020	FLAT	31	No Comment	4000
07/01/2020	07/31/2020	STAT	20	No Comment	3980
07/01/2020	07/31/2020	WORK	10	No Comment	3970
08/01/2020	08/31/2020	FLAT	31	No Comment	3939
08/01/2020	08/31/2020	STAT	20	No Comment	3919
08/01/2020	08/31/2020	WORK	0	Reduction for not working	3919
09/01/2020	09/30/2020	FLAT	30	No Comment	3889
09/01/2020	09/30/2020	STAT	20	No Comment	3869
09/01/2020	09/30/2020	WORK	0	Reduction for not working	3869
10/01/2020	10/31/2020	FLAT	31	No Comment	3838
10/01/2020	10/31/2020	STAT	20	No Comment	3818
10/01/2020	10/31/2020	WORK	0	Reduction for not working	3818

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
11/01/2020	11/30/2020	FLAT	30	No Comment	3788
11/01/2020	11/30/2020	STAT	20	No Comment	3768
11/01/2020	11/30/2020	WORK	0	Reduction for not working	3768
12/01/2020	12/31/2020	FLAT	31	No Comment	3737
12/01/2020	12/31/2020	STAT	20	No Comment	3717
12/01/2020	12/31/2020	WORK	0	Reduction for not working	3717
01/01/2021	01/31/2021	FLAT	31	No Comment	3686
01/01/2021	01/31/2021	STAT	20	No Comment	3666
01/01/2021	01/31/2021	WORK	0	Reduction for not working	3666
02/01/2021	02/28/2021	FLAT	28	No Comment	3638
02/01/2021	02/28/2021	STAT	20	No Comment	3618
02/01/2021	02/28/2021	WORK	10	No Comment	3608
03/01/2021	03/31/2021	FLAT	31	No Comment	3577
03/01/2021	03/31/2021	STAT	20	No Comment	3557
03/01/2021	03/31/2021	WORK	10	No Comment	3547
03/10/2021	05/14/2021	MR_CP_AM	15	Anger Management for Substance Abuse and Mental	3532
04/01/2021	04/30/2021	FLAT	30	No Comment	3502
04/01/2021	04/30/2021	STAT	20	No Comment	3482
04/01/2021	04/30/2021	WORK	10	No Comment	3472
05/01/2021	05/31/2021	FLAT	31	No Comment	3441
05/01/2021	05/31/2021	STAT	20	No Comment	3421
05/01/2021	05/31/2021	WORK	10	No Comment	3411
06/01/2021	06/30/2021	FLAT	30	No Comment	3381
06/01/2021	06/30/2021	STAT	20	No Comment	3361
06/01/2021	06/30/2021	WORK	10	No Comment	3351
07/01/2021	07/31/2021	FLAT	31	No Comment	3320
07/01/2021	07/31/2021	STAT	20	No Comment	3300
07/01/2021	07/31/2021	WORK	10	No Comment	3290
08/01/2021	08/31/2021	FLAT	31	No Comment	3259
08/01/2021	08/31/2021	STAT	20	No Comment	3239
08/01/2021	08/31/2021	WORK	10	No Comment	3229
09/01/2021	09/30/2021	FLAT	30	No Comment	3199
09/01/2021	09/30/2021	STAT	20	No Comment	3179
09/01/2021	09/30/2021	WORK	10	No Comment	3169
10/01/2021	10/31/2021	FLAT	31	No Comment	3138
10/01/2021	10/31/2021	STAT	20	No Comment	3118
10/01/2021	10/31/2021	WORK	10	No Comment	3108
11/01/2021	11/30/2021	FLAT	30	No Comment	3078
11/01/2021	11/30/2021	STAT	20	No Comment	3058
11/01/2021	11/30/2021	WORK	10	No Comment	3048
12/01/2021	12/31/2021	FLAT	31	No Comment	3017
12/01/2021	12/31/2021	STAT	20	No Comment	2997
12/01/2021	12/31/2021	WORK	10	No Comment	2987

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2022	01/31/2022	FLAT	31	No Comment	2956
01/01/2022	01/31/2022	STAT	20	No Comment	2936
01/01/2022	01/31/2022	WORK	10	No Comment	2926
02/01/2022	02/28/2022	FLAT	28	No Comment	2898
02/01/2022	02/28/2022	STAT	20	No Comment	2878
02/01/2022	02/28/2022	WORK	10	No Comment	2868
03/01/2022	03/31/2022	FLAT	31	No Comment	2837
03/01/2022	03/31/2022	STAT	20	No Comment	2817
03/01/2022	03/31/2022	WORK	10	No Comment	2807
04/01/2022	04/30/2022	FLAT	30	No Comment	2777
04/01/2022	04/30/2022	STAT	20	No Comment	2757
04/01/2022	04/30/2022	WORK	10	No Comment	2747
05/01/2022	05/31/2022	FLAT	31	No Comment	2716
05/01/2022	05/31/2022	STAT	20	No Comment	2696
05/01/2022	05/31/2022	WORK	10	No Comment	2686
06/01/2022	06/30/2022	FLAT	30	No Comment	2656
06/01/2022	06/30/2022	STAT	20	No Comment	2636
06/01/2022	06/30/2022	WORK	10	No Comment	2626
07/01/2022	07/31/2022	FLAT	31	No Comment	2595
07/01/2022	07/31/2022	STAT	20	No Comment	2575
07/01/2022	07/31/2022	WORK	10	No Comment	2565
08/01/2022	08/31/2022	FLAT	31	No Comment	2534
08/01/2022	08/31/2022	STAT	20	No Comment	2514
08/01/2022	08/31/2022	WORK	10	No Comment	2504
09/01/2022	09/30/2022	FLAT	30	No Comment	2474
09/01/2022	09/30/2022	STAT	20	No Comment	2454
09/01/2022	09/30/2022	WORK	10	No Comment	2444
10/01/2022	10/31/2022	FLAT	31	No Comment	2413
10/01/2022	10/31/2022	STAT	20	No Comment	2393
10/01/2022	10/31/2022	WORK	10	No Comment	2383
11/01/2022	11/30/2022	FLAT	30	No Comment	2353
11/01/2022	11/30/2022	STAT	20	No Comment	2333
11/01/2022	11/30/2022	WORK	10	No Comment	2323
12/01/2022	12/31/2022	FLAT	31	No Comment	2292
12/01/2022	12/31/2022	STAT	20	No Comment	2272
12/01/2022	12/31/2022	WORK	10	No Comment	2262
01/01/2023	01/31/2023	FLAT	31	No Comment	2231
01/01/2023	01/31/2023	STAT	20	No Comment	2211
01/01/2023	01/31/2023	WORK	10	No Comment	2201
02/01/2023	02/28/2023	FLAT	28	No Comment	2173
02/01/2023	02/28/2023	STAT	20	No Comment	2153
02/01/2023	02/28/2023	WORK	10	No Comment	2143
03/01/2023	03/31/2023	FLAT	31	No Comment	2112

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

Offender: WEISS, JUSTIN - 0001221491

Sentence: 3

Count: 1

Current Earned Expiration Date: 10/02/2030

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_191280_3	08/14/2019	1632	02/24/2015	20y 0m 0d	7305	02/23/2023	02/13/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2023	03/31/2023	STAT	20	No Comment	2092
03/01/2023	03/31/2023	WORK	10	No Comment	2082
04/01/2023	04/30/2023	FLAT	30	No Comment	2052
04/01/2023	04/30/2023	STAT	20	No Comment	2032
04/01/2023	04/30/2023	WORK	10	No Comment	2022
05/01/2023	05/31/2023	FLAT	31	No Comment	1991
05/01/2023	05/31/2023	STAT	20	No Comment	1971
05/01/2023	05/31/2023	WORK	10	No Comment	1961
06/01/2023	06/30/2023	FLAT	30	No Comment	1931
06/01/2023	06/30/2023	STAT	20	No Comment	1911
06/01/2023	06/30/2023	WORK	10	No Comment	1901
07/01/2023	07/31/2023	FLAT	31	No Comment	1870
07/01/2023	07/31/2023	STAT	20	No Comment	1850
07/01/2023	07/31/2023	WORK	10	No Comment	1840
08/01/2023	08/31/2023	FLAT	31	No Comment	1809
08/01/2023	08/31/2023	STAT	20	No Comment	1789
08/01/2023	08/31/2023	WORK	10	No Comment	1779
09/01/2023	09/30/2023	FLAT	30	No Comment	1749
09/01/2023	09/30/2023	STAT	20	No Comment	1729
09/01/2023	09/30/2023	WORK	10	No Comment	1719
10/01/2023	10/31/2023	FLAT	31	No Comment	1688
10/01/2023	10/31/2023	STAT	20	No Comment	1668
10/01/2023	10/31/2023	WORK	10	No Comment	1658
11/01/2023	11/30/2023	FLAT	30	No Comment	1628
11/01/2023	11/30/2023	STAT	20	No Comment	1608
11/01/2023	11/30/2023	WORK	10	No Comment	1598
12/01/2023	12/31/2023	FLAT	31	No Comment	1567
12/01/2023	12/31/2023	STAT	20	No Comment	1547
12/01/2023	12/31/2023	WORK	10	No Comment	1537
01/01/2024	01/31/2024	FLAT	31	No Comment	1506
01/01/2024	01/31/2024	STAT	20	No Comment	1486
01/01/2024	01/31/2024	WORK	10	No Comment	1476
02/01/2024	02/29/2024	FLAT	29	No Comment	1447
02/01/2024	02/29/2024	STAT	20	No Comment	1427
02/01/2024	02/29/2024	WORK	10	No Comment	1417
03/01/2024	03/31/2024	FLAT	31	No Comment	1386
03/01/2024	03/31/2024	STAT	20	No Comment	1366
03/01/2024	03/31/2024	WORK	10	No Comment	1356
04/01/2024	04/30/2024	FLAT	30	No Comment	1326
04/01/2024	04/30/2024	STAT	20	No Comment	1306
04/01/2024	04/30/2024	WORK	10	No Comment	1296
05/01/2024	05/31/2024	FLAT	31	No Comment	1265
05/01/2024	05/31/2024	STAT	20	No Comment	1245

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Offender: WEISS, JUSTIN - 0001221491

Sentence: 3

Count: 1

Current Earned Expiration Date: 10/02/2030

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_191280_3	08/14/2019	1632	02/24/2015	20y 0m 0d	7305	02/23/2023	02/13/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2024	05/31/2024	WORK	10	No Comment	1235
06/01/2024	06/30/2024	FLAT	30	No Comment	1205
06/01/2024	06/30/2024	STAT	20	No Comment	1185
06/01/2024	06/30/2024	WORK	10	No Comment	1175
07/01/2024	07/31/2024	FLAT	31	No Comment	1144
07/01/2024	07/31/2024	STAT	20	No Comment	1124
07/01/2024	07/31/2024	WORK	10	No Comment	1114
08/01/2024	08/31/2024	FLAT	31	No Comment	1083
08/01/2024	08/31/2024	STAT	20	No Comment	1063
08/01/2024	08/31/2024	WORK	10	No Comment	1053
09/01/2024	09/30/2024	FLAT	30	No Comment	1023
09/01/2024	09/30/2024	STAT	20	No Comment	1003
09/01/2024	09/30/2024	WORK	10	No Comment	993
10/01/2024	10/31/2024	FLAT	31	No Comment	962
10/01/2024	10/31/2024	STAT	20	No Comment	942
10/01/2024	10/31/2024	WORK	10	No Comment	932
11/01/2024	11/30/2024	FLAT	30	No Comment	902
11/01/2024	11/30/2024	STAT	20	No Comment	882
11/01/2024	11/30/2024	WORK	10	No Comment	872
12/01/2024	12/31/2024	FLAT	31	No Comment	841
12/01/2024	12/31/2024	STAT	20	No Comment	821
12/01/2024	12/31/2024	WORK	10	No Comment	811
01/01/2025	01/31/2025	FLAT	31	No Comment	780
01/01/2025	01/31/2025	STAT	20	No Comment	760
01/01/2025	01/31/2025	WORK	10	No Comment	750
02/01/2025	02/28/2025	FLAT	28	No Comment	722
02/01/2025	02/28/2025	STAT	20	No Comment	702
02/01/2025	02/28/2025	WORK	10	No Comment	692
03/01/2025	03/31/2025	FLAT	31	No Comment	661
03/01/2025	03/31/2025	STAT	20	No Comment	641
03/01/2025	03/31/2025	WORK	10	No Comment	631
04/01/2025	04/30/2025	FLAT	30	No Comment	601
04/01/2025	04/30/2025	STAT	20	No Comment	581
04/01/2025	04/30/2025	WORK	10	No Comment	571
05/01/2025	05/31/2025	FLAT	31	No Comment	540
05/01/2025	05/31/2025	STAT	20	No Comment	520
05/01/2025	05/31/2025	WORK	10	No Comment	510
06/01/2025	06/30/2025	FLAT	30	No Comment	480
06/01/2025	06/30/2025	STAT	20	No Comment	460
06/01/2025	06/30/2025	WORK	10	No Comment	450
07/01/2025	07/31/2025	FLAT	31	No Comment	419
07/01/2025	07/31/2025	STAT	20	No Comment	399
07/01/2025	07/31/2025	WORK	10	No Comment	389

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

Offender: WEISS, JUSTIN - 0001221491

Sentence: 3

Count: 1

Current Earned Expiration Date: 10/02/2030

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_191280_3	08/14/2019	1632	02/24/2015	20y 0m 0d	7305	02/23/2023	02/13/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/01/2025	08/31/2025	FLAT	31	No Comment	358
08/01/2025	08/31/2025	STAT	20	No Comment	338
08/01/2025	08/31/2025	WORK	10	No Comment	328
09/01/2025	09/30/2025	FLAT	30	No Comment	298
09/01/2025	09/30/2025	STAT	20	No Comment	278
09/01/2025	09/30/2025	WORK	10	No Comment	268
10/01/2025	10/31/2025	FLAT	31	No Comment	237
10/01/2025	10/31/2025	STAT	20	No Comment	217
10/01/2025	10/31/2025	WORK	10	No Comment	207
11/01/2025	11/30/2025	FLAT	30	No Comment	177
11/01/2025	11/30/2025	STAT	20	No Comment	157
11/01/2025	11/30/2025	WORK	10	No Comment	147
12/01/2025	12/31/2025	FLAT	31	No Comment	116
12/01/2025	12/31/2025	STAT	20	No Comment	96
12/01/2025	12/31/2025	WORK	10	No Comment	86
01/01/2026	01/31/2026	FLAT	31	No Comment	55
01/01/2026	01/31/2026	STAT	20	No Comment	35
01/01/2026	01/31/2026	WORK	10	No Comment	25
02/01/2026	02/13/2026	FLAT	13	No Comment	12
02/01/2026	02/13/2026	STAT	8	No Comment	4
02/01/2026	02/13/2026	WORK	4	No Comment	0

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

1 NOH

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

5 Justin Weiss,
6 Plaintiff(s)
7 vs.
8 Nevada State of,
9 Defendant(s)

Case No.: A-21-835265-W

Dept. No.: XXIV

10 **NOTICE OF HEARING CHANGE**

11 PLEASE TAKE NOTICE that this matter is set for Petition for Writ of Habeas Corpus, on
12 August 3, 2021 at the hour of 9 am, in District Court Department XXIV in the Regional
13 Justice Center, 200 Lewis Avenue, 12th Floor, Courtroom 12C, Las Vegas, Nevada before the
14 Honorable Judge Erika Ballou.

15
16 Dated this 21st day of July, 2021

17 

18
19 **029 C0B F673 4257**
20 **Erika Ballou**
21 **District Court Judge**
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, this document was electronically served to all registered users, copied through e-mail, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

Chapri Wright
Chapri Wright
Judicial Executive Assistant
Department 24

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/21/2021

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Trisha Chapman

TChapman@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

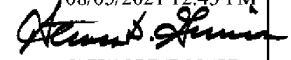
20
21 If indicated below, a copy of the above mentioned filings were also served by mail
22 via United States Postal Service, postage prepaid, to the parties listed below at their last
23 known addresses on 7/22/2021

24 Justin Weiss

#1221491 SDCC

Po Box 208

Indian Springs, NV, 89070


CLERK OF THE COURT

1 **DAO**

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

5 JUSTIN WEISS,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondent.

Case No. A-21-835265-W

Dept. No. XXIV

DECISION AND ORDER DENYING
PETITION FOR WRIT OF HABEAS
CORPUS

10
11 This matter having come before this Court on August 2, 2021, for review of Justin Weiss' Petition
12 for Writ of Habeas Corpus filed on May 26, 2021 and Respondent's response filed on June 29, 2021. The
13 Court having considered all papers and pleadings on file and having determined that no argument is
14 necessary and good cause appearing,

15 THE COURT FINDS that Justin Weiss is currently incarcerated at Southern Desert Correctional
16 Center in Clark County, Nevada giving this Court jurisdiction to adjudicate his time computation
17 challenge pursuant to NRS 34.738.

18 THE COURT FURTHER FINDS that Weiss was convicted of Voluntary Manslaughter with Use
19 of a Deadly Weapon, a category B felony, which he committed on or about February 22, 2015. Weiss is
20 serving an aggregate sentence of 8-20 years.

21 THE COURT FURTHER FINDS that Weiss is seeking application of credits against his
22 minimum sentence pursuant to NRS 209.4465(7).

23 THE COURT FURTHER FINDS that NRS 209.4465 applies to Weiss, whose crimes were
24 committed after July 17, 1997. Under NRS 209.4465(7), credit applies to an inmate's minimum and
25 maximum sentence unless one of the exceptions outlined in NRS 209.4465(8)(a)-(d) applies to prohibit
26 that application. Weiss is prohibited from receiving statutory good time credit toward his minimum
27 sentence pursuant to NRS 209.4465(8)(a) and (d) because he was convicted of voluntary manslaughter

28 ///

1 with use of a deadly weapon which is both a crime that involves the use of force or violence against a
2 victim and a category B felony.

3 THE COURT FURTHER FINDS that the case of *Williams v. State Dep't of Corr.*, 402 P.3d 1260
4 (Nev. 2017) does not apply because Weiss committed his crime after the 2007 amendment of NRS
5 209.4465. The Nevada Supreme Court has ruled that the *Williams* decision does not affect crimes
6 committed after July 1, 2007, and Weiss' crime took place in 2015.

7 THE COURT FURTHER FINDS that application of NRS 209.4465(8) to Weiss' sentence does
8 not violate the *ex post facto* clause, or the Equal Protection Clause of the Fourteenth Amendment.

9 THEREFORE,

10 IT IS HEREBY ORDERED that Weiss' Petition for Writ of Habeas Corpus is DENIED.

11 IT IS FURTHER ORDERED that the hearing scheduled for August 3, 2021 is VACATED.

12 DATED this ____ day of August 2021.

Dated this 5th day of August, 2021



DISTRICT COURT JUDGE

A4B 01F 97FE 1557
Erika Ballou
District Court Judge

16 Respectfully Submitted by:
17 AARON D. FORD
Attorney General

18 /s/ Trisha Chapman
19 Trisha Chapman, Bar No.: 12716
20 Deputy Attorney General
21 Office of the Nevada Attorney General
22 555 E. Washington Avenue, Suite 3900
23 Las Vegas, Nevada 89101
Phone: (702) 486-3107
Fax: (702) 486-2377
tchapman@ag.nv.gov
Attorneys for Respondents

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/5/2021

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Trisha Chapman

TChapman@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov



1 NEOJ

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 JUSTIN WEISS,

6 Petitioner,

Case No: A-21-835265-W

Dept. No: XXIV

7 vs.

8 STATE OF NEVADA,

9 Respondent,

10 NOTICE OF ENTRY OF ORDER

11 PLEASE TAKE NOTICE that on August 5, 2021, 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 mailed
15 to you. This notice was mailed on August 11, 2021.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amanda Hampton

18 Amanda Hampton, Deputy Clerk

19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 11 day of August 2021, I served a copy of this Notice of Entry on the
21 following:

22 ☒ By e-mail:

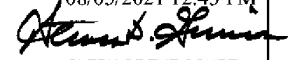
23 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

24 ☒ The United States mail addressed as follows:

25 Justin Weiss # 1221491
26 P.O. Box 208
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 JUSTIN WEISS,

6 Petitioner,

7 vs.

8 STATE OF NEVADA,

9 Respondent.

Case No. A-21-835265-W

Dept. No. XXIV

DECISION AND ORDER DENYING
PETITION FOR WRIT OF HABEAS
CORPUS

10
11 This matter having come before this Court on August 2, 2021, for review of Justin Weiss' Petition
12 for Writ of Habeas Corpus filed on May 26, 2021 and Respondent's response filed on June 29, 2021. The
13 Court having considered all papers and pleadings on file and having determined that no argument is
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15 THE COURT FINDS that Justin Weiss is currently incarcerated at Southern Desert Correctional
16 Center in Clark County, Nevada giving this Court jurisdiction to adjudicate his time computation
17 challenge pursuant to NRS 34.738.

18 THE COURT FURTHER FINDS that Weiss was convicted of Voluntary Manslaughter with Use
19 of a Deadly Weapon, a category B felony, which he committed on or about February 22, 2015. Weiss is
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25 maximum sentence unless one of the exceptions outlined in NRS 209.4465(8)(a)-(d) applies to prohibit
26 that application. Weiss is prohibited from receiving statutory good time credit toward his minimum
27 sentence pursuant to NRS 209.4465(8)(a) and (d) because he was convicted of voluntary manslaughter

28 ///

1 with use of a deadly weapon which is both a crime that involves the use of force or violence against a
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3 THE COURT FURTHER FINDS that the case of *Williams v. State Dep't of Corr.*, 402 P.3d 1260
4 (Nev. 2017) does not apply because Weiss committed his crime after the 2007 amendment of NRS
5 209.4465. The Nevada Supreme Court has ruled that the *Williams* decision does not affect crimes
6 committed after July 1, 2007, and Weiss' crime took place in 2015.

7 THE COURT FURTHER FINDS that application of NRS 209.4465(8) to Weiss' sentence does
8 not violate the *ex post facto* clause, or the Equal Protection Clause of the Fourteenth Amendment.

9 THEREFORE,

10 IT IS HEREBY ORDERED that Weiss' Petition for Writ of Habeas Corpus is DENIED.

11 IT IS FURTHER ORDERED that the hearing scheduled for August 3, 2021 is VACATED.

12 DATED this ____ day of August 2021.

Dated this 5th day of August, 2021



DISTRICT COURT JUDGE

A4B 01F 97FE 1557
Erika Ballou
District Court Judge

16 Respectfully Submitted by:
17 AARON D. FORD
Attorney General

18 /s/ Trisha Chapman
19 Trisha Chapman, Bar No.: 12716
20 Deputy Attorney General
21 Office of the Nevada Attorney General
22 555 E. Washington Avenue, Suite 3900
23 Las Vegas, Nevada 89101
Phone: (702) 486-3107
Fax: (702) 486-2377
tchapman@ag.nv.gov
Attorneys for Respondents

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/5/2021

15 Marsha Landreth

mlandreth@ag.nv.gov

16 Rikki Garate

rgarate@ag.nv.gov

17 Trisha Chapman

TChapman@ag.nv.gov

18 Cheryl Martinez

cjmartinez@ag.nv.gov

19 Lucas Combs

ljcombs@ag.nv.gov

Steven D. Grierson

1 Justin Weiss #1221491
2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF Clark

9 Justin Weiss
10 Plaintiff,

11 vs.

12 State of Nevada
13 Defendant.

Case No. A-21-835265-W

Dept. No. XXIV

Docket _____

14
15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Justin Weiss, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Notice Entry of Order

22 _____
23 ruled on the 5 day of August, 2021.

24
25 Dated this 27 day of August, 2021.

26 Respectfully Submitted,

27 *Justin Weiss*

28 **RECEIVED**

AUG 31 2021

CLERK OF THE COURT

Justin Weiss #1221491

SDCC

P.O. Box 208

Indian Spgs NV

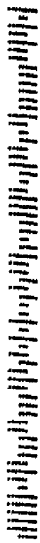
~~89408~~
89408

LAS VEGAS NV 890

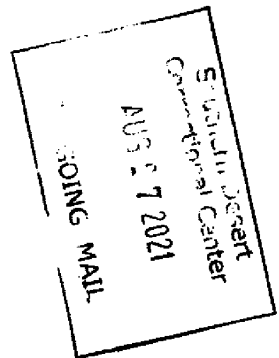
27 AUG 2021 PM 5 L

FOREVER / USA

Clerk of Courts
200 Lewis Ave
3rd Floor
L.V. Nev 89155



000003-10168



Justin Weiss, 1221491
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
8/31/2021 2:34 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Justin Weiss
Plaintiff,
vs.
State of Nevada
Defendant.

CASE No. A-21-835265-W
DEPT. No. IX IV

DESIGNATION OF RECORD ON APPEAL

TO: Clerk of the Supreme
Court for State of Nevada
201 S. Carson Street
Carson City Nev
89701

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 27th day of August, 20 21.

RESPECTFULLY SUBMITTED BY:

Justin Weiss
Justin Weiss # 1221491
Plaintiff/In Propria Persona

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of

Appeal

(Title of Document)

filed in District Court Case number 17-21-835265-4

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.


Signature

Aug 27, 2021
Date

Justin Lewis
Print Name

Title

CERTIFICATE OF SERVICE BY MAILING

I, Justin Weiss, hereby certify, pursuant to NRCP 5(b), that on this 27
day of August, 2021 I mailed a true and correct copy of the foregoing, "Notice
of Appeal"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Circle of Courts

200 Lewis Ave

3rd Floor

Las Vegas Nev

89155

CC:FILE

DATED: this 27 day of August, 2021

Justin Weiss
#121491
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:



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JUSTIN WEISS,

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Plaintiff(s),

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vs.

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STATE OF NEVADA; WARDEN,

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Defendant(s),

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CASE APPEAL STATEMENT

18

1. Appellant(s): Justin Weiss

19

2. Judge: Erika Ballou

20

3. Appellant(s): Justin Weiss

21

Counsel:

22

23

Justin Weiss #1221491

24

P.O. Box 208

25

Indian Springs, NV 89070

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4. Respondent (s): State of Nevada; Warden

27

Counsel:

28

Aaron D. Ford, Attorney General

555 E. Washington Ave., Ste. 3900

Las Vegas, NV 89101-1068

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5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A
- Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A
6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No
7. Appellant Represented by Appointed Counsel On Appeal: N/A
8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A
9. Date Commenced in District Court: May 26, 2021
10. Brief Description of the Nature of the Action: Civil Writ
- Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus
11. Previous Appeal: No
- Supreme Court Docket Number(s): N/A
12. Child Custody or Visitation: N/A
13. Possibility of Settlement: Unknown

Dated This 1 day of September 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Justin Weiss

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

August 02, 2021

A-21-835265-W	Justin Weiss, Plaintiff(s)
	vs.
	Nevada State of, Defendant(s)

August 02, 2021	7:00 AM	Minute Order
-----------------	---------	--------------

HEARD BY: Ballou, Erika	COURTROOM: Chambers
-------------------------	---------------------

COURT CLERK:

Ro'Shell Hurtado

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- The Court having considered all papers and pleadings on file and having determined that no argument is necessary hereby DENIES Plaintiff s Motion for Relief as he has been properly awarded credit against his sentence in compliance with NRS 209.4465(8) as set forth in the Response prepared by the State. The hearing scheduled for August 3, 2021, is hereby VACATED.

The State is to promptly prepare an order.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, Ro Shell Hurtado, to all registered parties for Odyssey File & Serve./ /rh

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated September 15, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 87.

JUSTIN WEISS,

Plaintiff(s),

vs.

STATE OF NEVADA; WARDEN,

Defendant(s),

Case No: A-21-835265-W

Dept. No: XXIV

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 27 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUSTIN PAUL WEISS,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Case No: A-21-835265-W

Docket No: 83457

RECORD ON APPEAL

ATTORNEY FOR APPELLANT

JUSTIN WEISS #1221491,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT

AARON D. FORD,
ATTORNEY GENERAL
555 E. WASHINGTON AVE., STE. 3900
LAS VEGAS, NV 89101-1068

A-21-835265-W

Justin Weiss, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
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Electronically Filed
05/26/2021

Heather S. Hemin
CLERK OF THE COURT

Justin Weiss #1221491
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

A-21-835265-W

Justin Weiss,)
Petitioner/Plaintiff,)
Vs.)
State of Nevada (Warden),)
Respondent/Defendant,)

XXIV

Case No. # C15-306314-1

Dept. No. # XXVI

**Petition for Writ of Habeas Corpus (Post Conviction Challenge of
Computation of Time)**

COMES NOW, Petitioner/Plaintiff Justin Weiss, proper and respectfully moves this Honorable Court to issue a Petition for Writ of Habeas Corpus, herein filed contemporously here directing William Hukley, Warden of Southern Desert Correctional Center to award statutory good time credits to his minimum sentence.

This motion is made based pursuant to the supporting points and authorities attached hereto as well as all papers, pleadings, documents on file in this case as well as oral arguments, deemed necessary by honorable court.

Statement of Facts

The Petitioner/Plaintiff Justin Weiss, was convicted of the crime of MenSought / Breach (a category B felony) and sentenced to a maximum term of 240 months with a minimum parole eligibility of 96 months. The imposed sentence is to be served in the Nevada Department of Corrections. Since his confinement to the Department of Corrections, the Petitioner has earned Statutory Credits, however those Credits have not been deducted from the minimum imposed sentence.

Pl

Points and Authorities

Nevada Department of Corrections is not deducting statutory credits earned pursuant to NRS 209.4465 from minimum sentences in violation of NRS 209.4465 (7)(b)

Petitioner/Plaintiff, Justin Weiss, claims that Nevada Department of Corrections has misapplied AB510 to restrict him from earning statutory good time credits allowed under that statute his sentence. NRS 209.4465 provides that in relevant faith that statutory credits allowed under that statute apply to eligibility for parole unless the offender was sentenced pursuant to statute which specifies a minimum that must be served before a person becomes eligible for parole NRS 209.4465 (7)(b) does not preclude credit application to the minimum term however Nevada Department of Corrections systematically restricts all inmates including the Plaintiff from statutory credits earned from their minimum sentence applying NRS 209.4465 (8) in violation of the ex post facto clause: A statute violates the ex post facto clause when it imposes punishment for an offense that was allowed at the time it was committed Weaver 450 U.S. at 28 Golds Worthy 86 Nev. at 255.468 p.2d 352 there are two elements to inquire into whether a law is ex post facto. It must be retrospective, that is it must apply to events occurring before its enactment and it must disadvantage the offender affected by it: See Weaver 450 U.S. at 29 (foot note omitted) NRS 209.4465 (8) disadvantages the Plaintiff in the fact that the language in the statute conflicts with the language in NRS 209.4465 (7)(b) the statute clearly satisfies the second prong. Changes to the applications of credits effectively after the amount of time a prisoner must serve so any reduction in the amount (time) (credits) applied disadvantages the prisoner. See: Weaver 450 U.S. at 32-34. When NRS 209.4465 was enacted only the statutes for certain category A felonies specified a minimum sentence that had to be served before a convicted offense would become eligible for parole. See: eg NRS 200.320 (1) thus offenders convicted of felonies that were not category A felonies were entitled to have statutory credits deducted from the minimum term imposed. The plaintiff/petitioner is not convicted of a category A felony. Alternatively the plain language of NRS 213.120(2) and NRS 209.4465(7) appears to be in conflict with the plain language of NRS 213.120(2) provided that those credits under NRS chapter 209 must not reduce the minimum term of imprisonment whereas NRS 209.4465 (7) provided that those credits could apply to parole eligibility unless the sentencing statute specifies a minimum sentence that must be served before a person becomes eligible for parole "words in a statute should be given their plain meaning unless this violates the spirit of the act" McKay v Board of Supervisors of Carson City 102 Nev. 644 648.230 p.2d 438 441 (1986). Both the plain language the legislative history of NRS 213.120(2) are clear that the intent was to ensure that convicted felons served a minimum of time and not be paroled before that minimum period of time had been served hearing on S.B. 416 before the

senate subcommittee on judiciary 68th leg the legislative history of NRS 209.4465 is silent as to its intent regarding parole. However a person becomes eligible for parole once they have been served the minimum term of imprisonment and since NRS 209.4465 (7) (b) allows for application of statutory credits to parole eligibility the plain language of statute clearly contemplates the deduction of statutory credits from the minimum term of imprisonment thus there is an existing statute that prohibits deduction NRS 209 credits from the minimum term of imprisonment co-existing with a new statute that allowed such deduction except in certain circumstances when two statutes cannot be interpreted in a way that renders them compatible not contradictory. "Antonin Scalia and Bryan Garner reading on the interpretation of legal text 180 (2012) the newer and/or more specific statute and its specific provision should generally take precedence Lader v. Warden 121 Nev. 682 687 120 p.3d 1164, 1167 2005 Scalia and Garner supra at 183, 185 NRS 209.4465 (7) (b) is the more recently enacted statute and its specific provision allowing the deduction of statutory credits from the eligibility for parole should take precedence over the more general prohibition in NRS 213.120(2) accordingly NRS 209.4465 (7) (b) would be the controlling statute for determining the deduction of statutory credits from Petitioner/Plaintiff's minimum term of imprisonment.

Conclusion

Wherefore all of the above stated reasons petitioner/plaintiff respectfully request this honorable court to order: *William Hatching* Warden, to deduct statutory credits from petitioner's minimum term of imprisonment.

Dated this 38 day of April 2021

Respectfully submitted

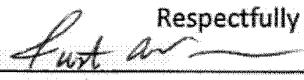

Justin Weiss 1221491 #
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070
Petitioner/Plaintiff

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Legal Argument

(Citing) *Demesthenes v Williams*, 97 Nev 611, 637 P2d 1203 (1980). The Department argued that the phrase "as provided by law" in NRS 209.443 precluded those imprisoned for specific offenses, such as murder, kidnapping, and sexual assault from having good time credits applied to these parole eligibility. The Department conceded that good time credits could be applied to the inmates maximum sentences. The Court held that (1) NRS 209.443 was applicable, so the minimum term that the inmates serve before parole eligibility, was to be reduced by their good time credits; (2) any ambiguity in NRS 209.443 should be resolved in favor of the inmates; and (3) there was no language that suggested that the Nevada legislature intended good time credits to not apply to parole eligibility. (The Court Affirmed) Furthermore NRS 213.120 exempts from its provisions "Certain Specific offenses" among them sexual assault, murder and kidnapping. The three (3) offenses have unique parole provisions that indicate a minimum time that is to be served prior to parole eligibility. However NRS 209.443 requires that earned good time credits to be deducted from an inmates sentence. Nevada Revised Statute 209.443 contains no limiting language. The provisions apply to "each" and "Every" offender. Nevada Revised Statute 209.443 is plain and unambiguous.

1 In such cases the statutory meaning has
2 to be deduced solely from the language,
3 and neither an Appellate Court nor a Trial
4 Court has the right to go beyond the face
5 of the statute. On the contrary, where
6 there is ambiguity in the language of a Penal
7 statute, that the doubt has to be resolved
8 in favor of the individual. The good time
9 Credits provisions of the Nevada Revised
10 Statute 209.443 apply to the parole eligibility
11 of all inmates entitled to eventual parole, regardless
12 of the minimum sentence specified in the
13 relevant statute. An issue often confused by
14 appeal in this state is whether good time credits
15 provision of NRS 209.443 apply to the parole
16 eligibility of persons convicted under NRS
17 200.030 (murder) NRS 200.020 Kidnapping and NRS
18 200.366 (sexual Assault). "The Nevada Supreme
19 Court" finds NRS 209.443 applicable, and the
20 minimum term respondents are to serve before
21 parole eligibility is to be reduced by their good
22 time Credits (See exhibits C-E). "Respondent is a
23 inmate in the Nevada Department of Corrections.
24 Respondent has also filed under the grievance
25 process and been denied
26 NRS 209.443 requires that earned good time
27 Credits be deducted from an inmate sentence if
28 grounds in Part 1. A every offender who is

1 sentenced to an institution --- shall be allowed
2 for the period he is actually incarcerated under
3 Sentence [Deduction for good time Credits]

4 (2) The total good time made shall be deducted from
5 the maximum term imposed to the Sentence and
6 shall apply to parole eligibility as provided
7 by the law.

8
9
10 Dated this 30 day of April, 2021

11
12
13
14 

15 Justin Weiss #1221491

16 S.D.C.C.

17 P.O. Box 208

18 Indian Springs NV
19 89070

Conclusion

Each offender is entitled to the deductions allowed by this section --- (Emphasis added)

VS

Defendant/Appellants contend that the phrase "as provided by law" precludes those imprisoned for the specific offenses (i.e., murder, sexual assault, kidnapping, etc.) from applying good time credits to parole eligibility. The State EG 100 6143 argues that for those offenses, the law prescribes minimum sentences which must be served before an inmate can be eligible for parole. Appellants contend that respondents may apply good time credits to their maximum sentences. Please adhere NRS 209.443 contains no limiting language. The provisions apply to "each" and "every" offender. If we adopted appellant's interpretation and applied the earned credits only to the parole eligibility of offenders whose crimes are covered by the general parole statute (NRS 213.120), the clear meaning of NRS 209.443 would be obfuscated. The statute is plain and unambiguous. In such cases the statutory meaning must be deduced solely from the language, and neither the Supreme Court nor the trial court has the

1 right to go beyond the face of the statute.
2 Cirac v Lander County, 95 Nev 723
3 729, 602 P 2d 1012, 1015 (1979). Even if
4 we were to assume that there is an ambiguity
5 in NRS 209.443 the ambiguity should be
6 resolved in favor of the respondents. Nevada
7 law has repeatedly held that where there is
8 ambiguity in the language of a penal statute,
9 "that doubt must be resolved in favor of the
10 individual." Admittedly NRS 209.443 is not wholly
11 penal; it is not a statute which imposes a penalty
12 for transgressing its provisions. Notwithstanding, the statute is
13 penal in nature. The same rationale would expect compel us
14 to construe it in. Defendants/Respondents favor. In the case at
15 hand the Defendants/Respondents interpretation would be repugnant
16 to the statute's interests in providing responsible incentives
17 for the law abiding inmate conduct. Model time credits are
18 intended to encourage cooperative behavior during
19 incarceration in order to foster an orderly, wholesome and
20 rehabilitative prison atmosphere.

21 Thus there is no language in any of the parole
22 statutes for the three "specified offenses" which suggest
23 the legislature intended good time credits not to
24 apply to parole eligibility, nor does the Defendant/
25 Respondent provide us with a reliable legislative
26 history suggesting the legislature intended a contrary
27

1 result. Therefore it is clear and unambiguous that
2 the good time provisions of Nevada Revised
3 Statute "209.443 apply to the parole eligibility
4 of all inmates entitled to eventual parole,
5 regardless of the maximum sentenced specified
6 in the relevant statute

7
8 Dated this 30 Day of April, 2021

9
10
11 Justin Weiss

12 Justin Weiss*1221491

13 S.D.C.C.

14 P.O. Box 208

15 Indian Springs NV
16 89020

Due Process

Equal Protection Clause

Petitioner asserts that he falls under the statute 209.4465 (7) (b) where his current charge specifies only a minimum and maximum term to be served.

If the courts intended for the Petitioner to serve a specified minimum required term, a usage of the words, with the eligibility for parole beginning when a minimum has been served, would have been stated.

Petitioner brings forth an Equal Protections violation for not applying the necessary and required statutory days of (20) off the front and back of his sentence.

Petitioner brings up the fact that there has been many Judgment orders in which individuals have obtained statutory days within the last 3 years.

In doing so Petitioner's fourteenth amendment rights are being violated by being unequally treated in similarly similar situations.

Petitioner stated what you do for one you should "must" do for all.

Petitioner is being incarcerated for longer than necessary which imposes the dangers of deliberate indifference.

Respondents has blatantly failed and refused to apply the statutory days to the minimum and maximum term of his sentence.

NRS 209.4465 (7)(b) entitles the petitioner to receive (20) days a month leading up to his parole eligibility date.

Petitioner respectfully asks this court to calculate and apply the earned credits to his minimum and maximum term and adjust his sentence accordingly.

B-11

CERTIFICATE OF SERVICE BY MAILING

I, Justin Weiss, hereby certify, pursuant to NRCP 5(b), that on this 28
day of April, 2021, I mailed a true and correct copy of the foregoing, "Petition for
Writ Habeas Corpus Time Consumption"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Clerk of Courts
200 Lewis Ave
3rd Floor
LV NV 89155-1165

CC:FILE

DATED: this 28 day of April, 2021.

Justin Weiss #1221491
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Petition for

Walt of Hebes Cooper Time Conspiracy
(Title of Document)

filed in District Court Case number C-15-306314-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

~~or~~

B. For the administration of a public program or for an application for a federal or state grant.

Paul W. _____
Signature

04/28/2021
Date

Justin Weiss
Print Name

Title _____

P. 13

Exhibit A

Exhibit A

p. 14

CC: ASO
AWO
All Supervisors -
Units - Post For This
Custody
Lodging
Education
Medical
Mentorship
HCC - CCS
CCC - CCS
[Signature]

STATE OF NEVADA
DEPARTMENT OF CORRECTIONS

OFFICE OF THE DIRECTOR

MEMORANDUM

RECEIVED

MAR 23 2005

LOVELOCK CORRECTIONAL
CENTER - WARDEN

TO: Darrel Rexwinkel, Assistant Director for Support Services
Howard Skolnik, Assistant Director for Prison Industries
Greg Cox, Assistant Director of Operations
Dorothy Nash Holmes, Programs Administrator
Dr. Ted D'Amico, Medical Director
Fritz Schlottman, Offender Management Administrator
Al Peralta, Chief of Inmate Services
All Wardens and Facility Managers

FROM: Jackie Crawford, Director *[Signature]*

DATE: March 15, 2005

SUBJECT: Work/Study Credits

Beginning with the first day of April 2005, we are changing the way in which we award Work/Study Credits which reduce an inmate's sentence. Please notify all affected staff of this change in policy and procedure, and post this memorandum where inmates may read it, too.

Currently, Work/Study credits are projected in advance but actually awarded at the end of each month only for time an inmate actually engages in work or study. This penalizes an inmate who is ready and willing to work, but perhaps is not called upon due to the employer's circumstances. For example, in our Conservation Camps, an inmate might be present and capable of working, but NDF has no assignment that day or is transporting the inmate to a different camp to assist in fire-fighting in another part of the state. An inmate should not be penalized for those situations which are outside of his or her control.

Our new policy will be as follows:

We will award inmates their full monthly Work/Study credits (either 10 or 20 depending on level of custody) as long as the inmate is ready and willing to work. This does not apply, however, to an inmate that is refusing to work.

REF: AR 563
CREDITS

015

03

We are also changing our Work/Study policy with regard to inmates who become ill or injured. An example is where the inmate must sit out a few days in camp to recover from a slight injury incurred on the job or a non-serious healthcare problem. In regular employment, workers are afforded "sick leave" and are not penalized for becoming ill.

Our new policy will be as follows:

With regard to an inmate who misses work due to a non-serious injury or illness (one that does not require transfer to the RMF or an Infirmary) that inmate will be awarded the full monthly Work or Study credits, provided the illness is confirmed in a written note to the employer/teacher, signed by the Medical Division. If "Sick Leave" exceeds 3 consecutive days in a single month, absence from work or school will only be excused pursuant to a medical order that requires the inmate to refrain from work/school. Inmates found abusing this policy or engaging in a persistent pattern of "sick leave" will lose their jobs and may be transferred to a higher security level.

AR 563 will be amended to reflect these changes in policy and procedure. However, you should implement these changes beginning in April, and not wait for the AR amendment.

Exhibit B

Exhibit B

B.17

Chief of State
Patricia C. Cavanaugh

KEVIN SANDOVAL
Governor

BARBARA CAGAN
Secretary of State

ADAM PAUL LAYNE
Attorney General



STATE OF NEVADA
DEPARTMENT OF CORRECTIONS

Offender Management Division
6500 Snyder Avenue, Carson City, NV 89702
Phone: (775) 887-3285 - Fax: (775) 887-3243



KEVIN SANDOVAL
Governor

JAMES R. DUKAKIS
Director

DWAYNE DEAL
Offender Management
Assistant Director

MEMORANDUM

Date: April 8, 2016

To: Wardens, Associate Wardens and Caseworkers, Shelly Williams, Debi Royer, Toni Roberts, Nancy Flores

From: Dwayne Deal, DMA

Subject: VonSeydewitz Nevada Supreme Court ruling regarding AB 510 credits

NV Cure recently posted a "press release" regarding a recent Nevada Supreme Court ruling on Inmate VonSeydewitz #1053208. This ruling was a "Reverse and Remand" back to the District Court basically indicating that this inmate should have AB 510 credits applied to his minimum term.

In contacting the Attorney General's Office on this issue, NDOC was advised that "this Order has no binding authority on anyone else" and NDOC is "not compelled" to conform to this holding for any other inmates under similar circumstances.

That being said, as a result of this it is likely, and we've already seen a huge number of kites and inquires about this exact issue, that we will have a bunch of inmates filing similar law suits on this.

We will discuss this issue further with Deputy Directors and the Director and it is possible we may have to take some universal actions which could affect more inmates than just VonSeydewitz, but at this time nothing of this nature has been discussed let alone a determination made.

In responding to questions about this matter please indicate that the recent Nevada Supreme Court case related AB 510 credits being applied to the minimum term does not apply to any inmates other than the inmate specified in the Order. The Order stipulated that "An unpublished order shall not be regarded as precedent and shall not be cited as legal authority".

If or when anything would change which would impact other NDOC inmates NDOC will put out an announcement to inform staff and inmates accordingly.

212

Q 15

02

Exhibit C

Exhibit C
P19

FREDERICK VONSEYDEWITZ, Appellant, vs. ROBERT LEGRAND, WARDEN, Respondent.
SUPREME COURT OF NEVADA
2015 Nev. Unpub. LEXIS 778
No. 66159
June 24, 2015, Filed

Notice:

NOT DESIGNATED FOR PUBLICATION. PLEASE CONSULT THE NEVADA RULES OF APPELLATE PROCEDURE FOR CITATION OF UNPUBLISHED OPINIONS.

Editorial Information: Prior History

Vonseydewitz v. Legrand, 2015 Nev. Unpub. LEXIS 788 (2015)
Judges: Saitta, J., Gibbons, J., Pickering, J.

Opinion

ORDER OF REVERSAL AND REMAND

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

Appellant Frederick Vonseydewitz was sentenced to concurrent terms of 8 to 20 years after his convictions for one count of attempt lewdness with a child under the age of 14 and one count of attempt sexual assault with a minor under the age of 14. In his petition, Vonseydewitz claimed that the Nevada Department of Corrections (NDOC) should have been deducting statutory credits earned pursuant to NRS 209.4465 from his minimum sentence but was not. This court issued an order to show cause to the Warden, explaining that his concession below regarding a key fact was tantamount to an admission that Vonseydewitz was entitled to relief. *Vonseydewitz v. Legrand*, Docket No. 66159, 2015 Nev. Unpub. LEXIS 788 (Order to Show Cause, February 12, 2015). The Warden filed a timely response disavowing the concession and arguing that Vonseydewitz was entitled to the deductions only from his maximum, not his minimum sentence.

At issue are the meanings and interrelations of a statute regarding the application of statutory credits, NRS 209.4465(7)(b), and the statute pursuant to which Vonseydewitz was sentenced, NRS 193.330(1)(a)(1). "Statutory interpretation is a question of law subject to de novo review," *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004), and begins with the plain language of the statute in question, *McKay v. Bd. of Supervisors of Carson City*, 102 Nev. 644, 648, 730 P.2d 438, 441 (1986). The statutes in effect at the time the offenses were committed govern. *Weaver v. Graham*, 450 U.S. 24, 31-33, 101 S. Ct. 960, 67 L. Ed. 2d 17 (1981); *Goldsworthy v. Hannifin*, 86 Nev. 252, 255, 468 P.2d 350, 352 (1970). Vonseydewitz committed his offenses between May 1, 1996, and August 31, 2006.

During the relevant time period, NRS 209.44652 provided that statutory credits "[a]pply to eligibility for

nvcases

648, 730 P.2d 438, 441 (1986). Further, the Warden fails to engage in any analysis of NRS 209.4465(7)(b) in light of the sentencing scheme in existence at the time it was enacted, instead focusing on laws that predated the advent of NRS 209.4465. The Warden's reference to 2007 statutory amendments is also unpersuasive as he offers no authority in support of his claim that the belief of subsequent legislatures is evidence of the intent of the legislature that enacted the law in question. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (stating that issues not supported by relevant authority or cogent argument need not be considered); *see also* Scalia & Garner, *supra*, at 185 ("[L]egislators are often-despite the presumption to the contrary-unfamiliar with the enactments of their predecessors. They unwittingly contradict them."). The Warden's brief reference to the canon of constitutional avoidance is also unavailing because this canon "comes into play only when, after the application of ordinary textual analysis, the statute is found to be susceptible of more than one construction." *Clark v. Martinez*, 543 U.S. 371, 385, 125 S. Ct. 716, 160 L. Ed. 2d 734 (2005). Based on the textual analysis above, the statutes are not reasonably susceptible to more than one construction, so it is unnecessary to resort to the canon of constitutional avoidance.

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

Statutes should be "interpreted in a way that renders them compatible, not contradictory." Scalia & Garner, *supra*, at 180; *Nevada State Dep't of Motor Vehicles v. Turner*, 89 Nev. 514, 517, 515 P.2d 1265, 1266 (1973). Thus where a general and a specific statute conflict, the more specific is construed as an exception to the general so that, when read together, "the two provisions are not in conflict, but can exist in harmony." Scalia & Garner, *supra*, at 183; *see RadLAX Gateway Hotel, L.L.C. v. Amalgamated Bank*, 566 U.S. 639, 645, 132 S. Ct. 2065, 2071, 182 L. Ed. 2d 967 (2012); *Lader v. Warden*, 121 Nev. 682, 687, 120 P.3d 1164, 1167 (2005). The two statutes were compatible because the specific provisions of NRS 209.4465(7)(b) allowing for the deduction of statutory credits earned pursuant to that section was an exception to NRS 213.120(2)'s more general prohibition against reducing the minimum sentence. *See Demosthenes v. Williams*, 97 Nev. 611, 637 P.2d 1203 (1981) (analyzing the relationship between "the 'general' parole statute," NRS 213.120, and a more specific statutory-credits statute which preceded NRS 209.4465).

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

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

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

/s/ Saitta, J.

Exhibit D

Exhibit Q

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209.4465. Credits for offender sentenced for crime committed on or after July 17, 1997.

1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

a deduction of 20 days from his or her sentence for each month the offender serves.

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

(a) For earning a general educational development certificate or an equivalent document, 60 days.

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

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

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits

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1 Defendant believes that this court has, based upon Staley, the jurisdiction to MODIFY his
2 sentence, due to that sentence being pronounced based upon a Pre-Sentence Investigation Report which
3 did have several material facts in error, which will be discussed below in the statement of facts.

4 Respondent may argue that laches apply due to the fact that three [3] years have passed since
5 sentence was pronounced. However, the Nevada Supreme Court held that such time requirement does not
6 apply to a request for Modification of Sentence, see, *Passanisi v. State*, 831 P2d 1371, 108 Nev. 318
7 (1995):

8
9 ... "we note that the trial court has inherent authority to correct a sentence at any time if such
10 sentence based on mistake of material fact that worked to the extreme detriment of the defendant.
11 (Citations Omitted). If the trial court has inherent authority to correct a sentence, a Fortiori, it has
12 the power to entertain a motion requesting it to exercise that inherent authority.... Thus, the time
13 limits and other restrictions with respect to a post-conviction relief do not apply to a Motion to
14 Modify a Sentence based on a claim that the sentence was illegal or was based on an untrue
15 assumption of the fact that amounted to denial of due process (Emphasis added) Id. 831 P2d at
16 1372n. 1. See also, Edwards v. State, 918 P2d 321, 324, 112 Nev. 704 (1996).

17 Defendant, as stated above, is alleging that his sentence by this Court was based upon
18 assumptions founded upon his Pre-Sentence Investigation Report (PSI) that had several factors in error,
19 and as such, his constitutional right to due process was violated. See, *State v. District Court*, 677 P2d
20 1044, 100 Nev. 90 (1984):

21 The district court's inherent authority to correct a judgment or sentence founded on mistake is in
22 accord with the constitutional considerations underlying the sentencing process. The United
23 States Supreme Court has expressly held that where a defendant is sentenced on the basis of
24 materially untrue assumptions concerning his criminal record, "(the) result whether caused by
25 carelessness or design, is inconsistent with due process of law". Townsend v. Burke, 736, 741,
26 68 S. Ct. 12552, 1255, 92 L. Ed. 1690 (1948). Further, the cases clearly established that
27 constitutionally Violate "materially untrue assumptions" concerning a criminal record may arise
28 either as a result of a sentencing judge's correct perception of misapprehension. (Emphasis in
29 original). Id. 677 P2d at 1048 n. 3.

30 Defendant would ask that this Court not perceive this request to be pointing the finger at the
31 Court and saying 'you were wrong' as that is not the case. Defendant is merely requesting that the Court
32 reconsider the sentence that was pronounced based upon mistakes of fact in the PSI report and at
33 sentencing.

Exhibit E

Exhibit E
p25

133 Nev., Advance Opinion 75

IN THE SUPREME COURT OF THE STATE OF NEVADA

JESSICA WILLIAMS,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND JO GENTRY, WARDEN,
Respondents.

No. 71039

FILED

OCT 05 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Appeal from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served. Eighth Judicial District Court, Clark County; James Crockett, Judge.

Reversed and remanded.

Ellen J. Bezian and John Glenn Watkins, Las Vegas,
for Appellant.

Adam Paul Laxalt, Attorney General, and Daniel M. Roche, Deputy
Attorney General, Carson City,
for Respondents.

BEFORE HARDESTY, PARRAGUIRRE and STIGLICH, JJ.

OPINION

By the Court, STIGLICH, J.:

NRS 209.4465(7)(b) provides that credits earned pursuant to NRS 209.4465 "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that

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must be served before a person becomes eligible for parole."¹ In this opinion, we consider whether credits earned pursuant to NRS 209.4465 apply to eligibility for parole as provided in NRS 209.4465(7)(b) where the offender was sentenced pursuant to a statute that requires a minimum term of not less than a set number of years but does not mention parole eligibility. Where an offender was sentenced pursuant to such a statute, we conclude that credits do apply to eligibility for parole as provided in NRS 209.4465(7)(b). Because appellant Jessica Williams was sentenced pursuant to such a statute, the credits she earns under NRS 209.4465 should be applied to her eligibility for parole. The district court erred in ruling to the contrary. We therefore reverse and remand.

FACTS AND PROCEDURAL HISTORY

On March 19, 2000, Williams struck and killed six teenagers with her vehicle. She was convicted of six counts of driving a vehicle with a prohibited substance in her blood or urine causing death in violation of NRS 484.3795 (now codified as NRS 484C.430). For each count, Williams

¹NRS 209.4465 was adopted in 1997. 1997 Nev. Stat., ch. 641, § 4, at 3175. It has been amended several times since then, most notably in 2007 when the Legislature adopted exceptions to NRS 209.4465(7) that currently are codified in subsection 8 of the statute, 2007 Nev. Stat., ch. 525, § 5, at 3177. The 2007 amendments do not apply here. All statutory references in this opinion are to the provisions in effect in 2000, see 1999 Nev. Stat., ch. 552, § 8, at 2881-82, when the offenses in this case were committed.

was sentenced to a minimum term of 36 months and a maximum term of 96 months with each sentence to be served consecutively.²

Williams petitioned the district court for a writ of habeas corpus in 2016, arguing that she was entitled to have credits earned pursuant to NRS 209.4465 apply to her eligibility for parole. The district court concluded that the legislative intent was for a prisoner to serve his or her minimum term before being eligible for parole and therefore that credits did not apply to Williams' eligibility for parole. Accordingly, the district court denied the petition. This appeal followed.

DISCUSSION

A postconviction petition for a writ of habeas corpus is "the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction." NRS 34.724(2)(c). Williams' claim—that credits are not being applied to her eligibility for parole—challenges the computation of time served and therefore is raised properly in a postconviction petition for a writ of habeas corpus. See *Griffin v. State*, 122 Nev. 737, 742-43, 137 P.3d 1165, 1168-69 (2006) (interpreting the language of NRS 34.724(2)(c) as logically referring to "credit earned after a petitioner has begun to serve the sentence specified in the judgment of conviction").

Williams asserts that NRS 209.4465(7)(b) requires credits be applied to her eligibility for parole (i.e., her minimum terms) whereas the State contends that both NRS 209.4465(7)(b) and NRS 213.120(2) require

²Williams was also convicted of unlawfully using a controlled substance and possession of a controlled substance. She received probation for these counts.

that she serve her minimum terms without any reduction for credits earned pursuant to NRS 209.4465. The State argues, and the district court agreed, that the Legislature intended for prisoners to serve the minimum term imposed before becoming eligible for parole.

The issue before us is a matter of statutory interpretation. "Statutory interpretation is a question of law subject to de novo review." *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004). The goal of statutory interpretation "is to give effect to the Legislature's intent." *Hobbs v. State*, 127 Nev. 234, 237, 251 P.3d 177, 179 (2011). To ascertain the Legislature's intent, we look to the statute's plain language. *Id.* "[W]hen a statute's language is clear and unambiguous, the apparent intent must be given effect, as there is no room for construction." *Edgington v. Edgington*, 119 Nev. 577, 582-83, 80 P.3d 1282, 1286 (2003). This court "avoid[s] statutory interpretation that renders language meaningless or superfluous," *Hobbs*, 127 Nev. at 237, 251 P.3d at 179, and "whenever possible . . . will interpret a rule or statute in harmony with other rules or statutes," *Watson Rounds v. Eighth Judicial Dist. Court*, 131 Nev., Adv. Op. 79, 358 P.3d 228, 232 (2015) (quotation marks omitted).

NRS 209.4465(7) provides that credits earned pursuant to NRS 209.4465: (a) "[m]ust be deducted from [a prisoner's] maximum term" of imprisonment and (b) "[a]pply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." The first part of subsection 7(b) establishes a general rule—that credits earned pursuant to NRS 209.4465 apply to eligibility for parole. The second part of subsection 7(b) sets forth a limitation—the general rule

does not apply if the offender "was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." Thus, if the sentencing statute did not specify a minimum sentence that had to be served before parole eligibility, credits should be deducted from a prisoner's minimum sentence, making an inmate eligible for parole sooner than he or she would have been without the credits.

Williams was not sentenced pursuant to a statute that specified a minimum sentence that must be served before she becomes eligible for parole

For purposes of NRS 209.4465(7)(b), the question is whether Williams was sentenced pursuant to a statute that specified a minimum sentence she had to serve before she would be eligible for parole. Williams was sentenced pursuant to former NRS 484.3795(1) (currently codified as NRS 484C.430(1)), which provided that a person convicted of driving with a prohibited substance in the blood or urine causing death "shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years." 1999 Nev. Stat., ch. 622, § 28, at 3422. Although that statute required a minimum term of not less than two years, it was silent regarding *parole eligibility*.³ The plain language of the sentencing statute therefore does

³We acknowledge that NRS 213.120(2) provided that a prisoner "may be paroled when he has served the minimum term of imprisonment imposed by the court." 1995 Nev. Stat., ch. 443, § 235, at 1260. But NRS 213.120 is not a sentencing statute. In applying the limiting language in NRS 209.4465(7)(b), only sentencing statutes are relevant. The relationship between NRS 209.4465(7)(b) and NRS 213.120 is addressed further *infra*.

continued on next page . . .

not specify a term that an offender must serve before becoming eligible for parole.

The State argues that, based on legislation passed in 1995, all statutes that require a minimum term of not less than a set number of years inherently require that the offender serve the minimum term before becoming eligible for parole. That argument has some appeal, as indicated by the district court decisions in this case and numerous similar cases currently pending before this court. We nonetheless discern two problems with it that render the interpretation unreasonable.

The first problem is the plain language used in the sentencing statute at issue here in contrast to the language used in other sentencing statutes. The Legislature has used language in other sentencing statutes that expressly requires a particular sentence be served before a person becomes eligible for parole. These "parole-eligibility" statutes delineate a "[maximum sentence], with eligibility for parole beginning when a minimum of [x] years has been served." See, e.g., NRS 200.030(4)(b)(2)-(3) (listing sentencing options for first-degree murder, including "life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served," or "a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served").

...continued

We also acknowledge that the judgment of conviction in this case includes language indicating that the minimum term had to be served before Williams would be eligible for parole. As with NRS 213.120, the language in the judgment of conviction is not relevant in determining whether the limiting language in NRS 209.4465(7)(b) applies.

(emphases added)); NRS 200.366(2)(a)(2) (providing that person convicted of sexual assault that results in substantial bodily harm may be sentenced to "life with the possibility of parole, *with eligibility for parole beginning when a minimum of 15 years has been served*" (emphasis added)); NRS 200.366(2)(b) (providing that person convicted of sexual assault that does not result in substantial bodily harm may be sentenced to "life with the possibility of parole, *with eligibility for parole beginning when a minimum of 10 years has been served*" (emphasis added)); NRS 453.334(1)-(2) (specifying that a person convicted for a second or subsequent offense of selling a controlled substance to a minor must be sentenced to "life with the possibility of parole, *with eligibility for parole beginning when a minimum of 5 years has been served*" or "a definite term of 15 years, *with eligibility for parole beginning when a minimum of 5 years has been served*" (emphases added)). In contrast, sentencing statutes like the one at issue in this case provide for "imprisonment in the state prison for a minimum term of not less than [x] year(s) and a maximum term of not more than [y] years" and do not reference parole eligibility. See, e.g., NRS 200.380(2) (designating the penalty for robbery as "a minimum term of not less than 2 years and a maximum term of not more than 15 years"); NRS 200.481 (providing minimum-maximum penalties for certain types of battery); see also NRS 193.130(2)(b)-(e) (outlining minimum-maximum penalties for category B, C, D, and E felonies). In some instances, the Legislature has utilized both formats within a single statute. See NRS 453.3385(1) (providing minimum-maximum sentences for trafficking under 28 grams of a controlled substance but parole-eligibility sentences for trafficking 28 grams or more of a controlled substance).

We must presume that the variation in language indicates a variation in meaning. See generally *Henson v. Santander Consumer USA Inc.*, 582 U.S. ___, ___, 137 S. Ct. 1718, 1723 (2017) ("And, usually at least, when we're engaged in the business of interpreting statutes we presume differences in language . . . convey differences in meaning."); *Loughrin v. United States*, 573 U.S. ___, ___, 134 S. Ct. 2384, 2390 (2014) ("[W]hen [the Legislature] includes particular language in one section of a statute but omits it in another . . . this Court presumes that [the Legislature] intended a difference in meaning." (internal quotation marks and alteration omitted)); *S.E.C. v. McCarthy*, 322 F.3d 650, 656 (9th Cir. 2003) ("[The Legislature's] explicit decision to use one word over another in drafting a statute is material. It is a decision that is imbued with legal significance and should not be presumed to be random or devoid of meaning." (internal citations omitted)). In other words, where the Legislature intended to set forth a specific term that must be served before an offender becomes eligible for parole, it did so with express language to that effect, but where the Legislature did not so intend, it omitted such express language.⁴

⁴The State suggests that this court interpreted a minimum-maximum sentencing statute consistent with its position in *Breault v. State*, 116 Nev. 311, 996 P.2d 888 (2000). Although the defendant in that case was sentenced under a minimum-maximum sentencing statute and this court referred to the minimum sentence as a minimum for parole eligibility, this court was not asked in *Breault* to interpret the sentencing statute for purposes of NRS 209.4465(7)(b) or the similar provision in subsection 6(b) of NRS 209.446, which was the credits statute that applied at the time.

The second problem is that interpreting the minimum-maximum sentencing statutes as the State suggests would render the general rule in NRS 209.4465(7)(b), that credits apply to parole eligibility, meaningless. Offenders in Nevada receive either a minimum-maximum sentence, a parole-eligibility sentence, or a determinate sentence.⁶ NRS 209.4465(7)(b) does not apply at all to determinate sentences because a determinate sentence only has a maximum term and NRS 209.4465(7)(a) already provided that credits "[m]ust be deducted from the maximum term imposed by the sentence," 1997 Nev. Stat., ch. 641, § 4, at 3175. The general rule in NRS 209.4465(7)(b) does not apply to parole-eligibility statutes because they expressly identify a term that must be served before an offender becomes eligible for parole and therefore are excluded by the limiting language in NRS 209.4465(7)(b). And, under the State's interpretation of the minimum-maximum sentencing statutes, the general rule in NRS 209.4465(7)(b) would not apply to a minimum-maximum sentence because such a sentence would also be excluded by the limiting language in the statute. In sum, under the State's interpretation, there are no offenders who could benefit from the general rule set forth in NRS 209.4465(7)(b) that allows credits to be applied to eligibility for parole, making that statutory language meaningless. We generally try to "avoid

⁶Most determinate sentencing statutes were amended to fit the minimum-maximum format in 1995. See, e.g., 1995 Nev. Stat., ch. 443, § 5, at 1170; § 37, at 1178-79; § 39, at 1179; § 40, at 1180; § 45, at 1182; § 47, at 1182; § 48, at 1183; and § 52, at 1183-84. But some remain. For example, NRS 645C.560(1) does not provide for a minimum sentence or for a specified term of imprisonment before parole eligibility when it states that punishment shall be "imprisonment in the state prison for not less than 1 year nor more than 6 years."

statutory interpretation that renders language meaningless or superfluous." *Hobbs*, 127 Nev. at 237, 251 P.3d at 179.⁶

After our de novo review of the statutes at issue, we conclude that the relevant sentencing statute did not specify a term that must be served before parole eligibility as contemplated by the limiting language in NRS 209.4465(7)(b). As such, the general rule set forth in NRS 209.4465(7)(b) applies and provides for the deduction of credits from Williams' minimum sentence.⁷

⁶The State argues that our interpretation would render NRS 209.4465(8), added in 2007, meaningless. Subsection 8 sets forth exceptions to NRS 209.4465(7), providing that credits do not apply to eligibility for parole where the offender has been convicted of certain offenses. See 2007 Nev. Stat., ch. 525, § 5, at 3177. Although some aspects of subsection 8 likely were unnecessary, such as those excluding category A felony offenses, most of the provisions set additional limitations on the application of credits to eligibility for parole that were not previously covered in subsection 7(b).

⁷Our interpretation of NRS 209.4465(7)(b) applies only to crimes committed on or between July 17, 1997 (the effective date of NRS 209.4465) and June 30, 2007 (the effective date of NRS 209.4465(8)). Because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already expired the sentence, see *Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (providing that "any question as to the method of computing" a sentence is rendered moot when the sentence is expired), 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).

NRS 213.120(2) does not control over NRS 209.4465(7)(b)

The State alternatively focuses on NRS 213.120(2), arguing that the statute clearly and unambiguously provided that credits earned under NRS Chapter 209 must not reduce a prisoner's minimum sentence. At the time of Williams' offense, NRS 213.120(2) stated that "[a]ny credits earned to reduce [a prisoner's] sentence pursuant to chapter 209 of NRS while the prisoner serves the minimum term of imprisonment may reduce only the maximum term of imprisonment imposed and must not reduce the minimum term of imprisonment." 1995 Nev. Stat., ch. 443, § 235, at 1259-60. That provision conflicts with the language in NRS 209.4465(7)(b) that provided for the application of credits to a prisoner's minimum sentence under certain circumstances.

When two statutory provisions conflict, we employ the rules of statutory construction to resolve the conflict. *State v. Eighth Judicial Dist. Court (Logan D.)*, 129 Nev. 492, 508, 306 P.3d 369, 380 (2013). Two rules of statutory construction guide our decision in this matter: the general/specific canon and the implied repeal canon. We address both below but start with the general/specific canon as the implied repeal canon is not favored. See *Washington v. State*, 117 Nev. 735, 739, 30 P.3d 1134, 1137 (2001) (observing that the implied repeal approach "is heavily disfavored, and [this court] will not consider a statute to be repealed by implication unless there is no other reasonable construction of the two statutes").

Under the general/specific canon, the more specific statute will take precedence, *Lader v. Warden*, 121 Nev. 682, 687, 120 P.3d 1164, 1167 (2005), and is construed as an exception to the more general statute, see Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of*

Legal Texts 183 (2012), so that, when read together, "the two provisions are not in conflict, but can exist in harmony," *id.* at 185. See also *Piroozi v. Eighth Judicial Dist. Court*, 131 Nev., Adv. Op. 100, 363 P.3d 1168, 1172 (2015) ("Where a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls." (internal quotation marks omitted)). We conclude that NRS 213.120(2), which included a blanket prohibition against the application of credits to all minimum sentences, is the more general statute whereas NRS 209.4465(7)(b), which limited the application of credits to minimum sentences imposed under statutes that did not specify a term before parole eligibility, is the more specific. As the specific statute, NRS 209.4465(7)(b) sets forth an exception to NRS 213.120(2).⁸

The same result follows under the less-favored implied repeal canon. That canon provides that "when statutes are in conflict, the one more recent in time controls over the provisions of an earlier enactment." *Laird v. State of Nev. Pub. Emps. Ret. Bd.*, 98 Nev. 42, 45, 639 P.2d 1171, 1173 (1982). NRS 213.120 was amended in 1995 to add the blanket prohibition in subsection 2. 1995 Nev. Stat., ch. 443, § 235, at 1260. NRS 209.4465(7)(b) was enacted in 1997. 1997 Nev. Stat., ch. 641, § 4, at 3175. As NRS 209.4465(7)(b) is the one more recent in time, it controls.

⁸Treating NRS 209.4465(7)(b) as the general statute and NRS 213.120(2) as the specific would lead to a result that is inconsistent with the general/specific canon because NRS 213.120(2) would exempt all offenders from the general provision (NRS 209.4465(7)(b)) thereby eliminating the general provision rather than allowing both provisions to exist in harmony.

Based on our interpretation of NRS 209.4465(7)(b) and the applicable sentencing statute, credits that Williams has earned under NRS 209.4465 should be applied to her parole eligibility for any sentence she is currently serving and on which she has not appeared before the parole board. Accordingly, we reverse the judgment of the district court and remand this matter to the district court for proceedings consistent with this order.

Stiglich, J.
Stiglich

We concur:

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Jordan Weiss A1221491

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200 Lewis Ave

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Los Angeles

891505-1160

1 OPWH

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

5 Justin Weiss, Plaintiff(s)
6 vs.

Nevada State of, Defendant(s)

Case No.: A-21-835265-W
Department XXIV

7
8 **ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS**
9 **(TIME COMPUTATION)**

10 Petitioner filed a Petition for Writ of Habeas Corpus on **May 26, 2021**. The Court
11 has reviewed the Petition and has determined a response would assist the Court in
12 determining whether Petitioner has been awarded all appropriate good-time credits as
13 provided in NRS 34.724 and, good cause appearing therefore,

14 **IT IS HEREBY ORDERED**, Respondent shall, within 30 days after the date of
15 this Order, to file any motion it deems necessary.

16 If no motion is filed, **IT IS HEREBY FURTHER ORDERED**, Respondent shall, 45
17 days after the date of this Order, file an answer or otherwise respond to the Petition.

18
19 **IT IS FURTHER ORDERED**, this matter is placed on calendar for hearing on **July 27,**
20 **2021**, in chambers in District Court Department XXIV.

21 Dated this 28th day of May, 2021

22 
23

24 **119 694 83BC 2AE4**
25 **Erika Ballou**
26 **District Court Judge**

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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:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountynvda.com

OFFICE OF THE ATTORNEY GENERAL
Wiznetfilings@ag.nv.gov

Chapri Wright
Chapri Wright
Judicial Executive Assistant

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Justin Weiss, Plaintiff(s)

CASE NO: A-21-835265-W

7 vs.

DEPT. NO. Department 24

8 Nevada State of, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
16 known addresses on 6/1/2021

16 Justin Weiss

#1221491 SDCC

Po Box 208

17 Indian Springs, NV, 89070



RSPN
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Attorneys for Respondents

DISTRICT COURT
CLARK COUNTY, NEVADA

JUSTIN WEISS,
Petitioner,
vs.
STATE OF NEVADA, *et al.*,
Respondents.

Case No. A-21-835265-W
Dept. No. XXIV
Hearing Date: July 27, 2021

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents oppose Petitioner Justin Weiss's Petition for Writ of Habeas Corpus filed on May 26, 2021 because the Nevada Department of Corrections has properly awarded Weiss credit against his sentence in compliance with NRS 209.4465. Weiss fails to demonstrate that he is exempt from the application of NRS 209.4465(8). This answer is based on the following points and authorities, together with all other pleadings, documents and exhibits on file herein.

DATED June 29, 2021.

AARON D. FORD
Attorney General

By: /s/ Trisha Chapman
Trisha Chapman
Nevada Bar No. 12716
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 Petitioner Justin Weiss (Weiss) is currently incarcerated at Southern Desert Correctional Center.
4 Exhibit 1 – NDOC Inmate Search. Weiss’s current sentence arises from a conviction of Voluntary
5 Manslaughter with Use of a Deadly Weapon – a category B felony – that he committed on or about
6 February 22, 2015. Exhibit 2 – Information; *see also* Exhibit 3 – Judgment of Conviction. On August 14,
7 2019, Weiss was sentenced to a maximum of 10 years in the Nevada Department of Corrections (NDOC)
8 with minimum parole eligibility after 4 years for voluntary manslaughter plus a consecutive term of a
9 maximum of 10 years with minimum parole eligibility after 4 years for the deadly weapon enhancement,
10 and 1,632 days credit for time served. Exhibit 3. Weiss’s aggregate sentence was 8-20 years. *Id.*

11 **ARGUMENT**

12 Weiss’s instant petition challenges his time computation and alleges that NDOC failed to apply
13 statutory good-time credits to his minimum sentence as required by NRS 209.4465. However, NRS
14 209.4465(8) prohibits Weiss from receiving statutory good-time credits toward his minimum sentence
15 because he was convicted of a category B felony, post 2007.

16 **A. NRS 209.4465(8) prohibits Weiss from receiving statutory good-time credit toward his**
17 **minimum sentence.**

18 NRS 209.4465 governs the application of credits for prisoners who have been sentenced for
19 crimes committed on or after July 17, 1997. Under NRS 209.4465(7), credit applies against a prisoner’s
20 minimum and maximum sentence unless one of these four exceptions outlined in NRS 209.4465(8)
21 applies to prohibit that application:

- 22 (a) Any crime that is punishable as a felony involving the use or threatened
23 use of force or violence against the victim;
24 (b) A sexual offense that is punishable as a felony;
25 (c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that
is punishable as a felony; or
(d) A category A or B felony.

26 NRS 209.4465(8).

27 Here, Weiss meets exception 8(a) and 8(d) because he was convicted of voluntary manslaughter
28 with use of a deadly weapon which is both a crime that involves the use of force or violence against a

1 victim and a category B felony. Exhibit 3; *see also* NRS 209.4465(8)(a) and (d). As a result, Weiss is
2 prohibited from receiving statutory good-time credit toward his minimum sentence. NRS 209.4465(8).
3 Rather, any statutory good-time credit earned under NRS 209.4665 is limited to Weiss's maximum
4 sentence. *Id.* A review of Weiss's credit history confirms that he has received statutory good-time credit
5 against his maximum sentence in conformity with NRS 209.4465(1). Exhibit 4 – Credit History Report.

6 **B. *Williams* does not apply because Weiss committed his offense after the 2007 amendment of**
7 **NRS 209.4465.**

8 In his petition, Weiss raises similar arguments to those addressed in *Williams v. State* to support
9 his claim that he is entitled to credit against his minimum sentence. In *Williams*, the Nevada Supreme
10 Court held that prisoners with offense dates between July 17, 1997 and June 30, 2007 are entitled to
11 statutory good-time credits under NRS 209.4665(7)(b) if: 1) the prisoner was sentenced under a statute
12 that did not specific a parole eligibility date; and 2) the prisoner has not already been before the parole
13 board on that sentence. 402 P.3d 1260 (Nev. 2017). The Nevada Supreme Court explicitly stated that this
14 decision did not affect crimes committed after July 1, 2007. *Id.* at footnote 7.

15 Here, *Williams* does not apply to Weiss because he committed his offense on or about February
16 22, 2015, nearly eight years after the amendment of NRS 209.4465. Because Weiss's crime occurred
17 after July 1, 2007, NRS 209.4665(8) governs his sentence and he is prohibited from receiving statutory
18 good-time credits toward his minimum sentence due to his category B felony conviction that also involves
19 the use of force or violence against a victim.

20 **C. Applying NRS 209.4465(8) to Weiss does not violate the *ex post facto* clause.**

21 Weiss alleges that the application of NRS 209.4465(8) violates the *ex post facto* clause. However,
22 the United States Supreme Court has held that a law only violates the *ex post facto* clause if: 1) it is
23 applied retroactively to events that occurred before its enactment; and 2) it is detrimental by producing a
24 sufficient risk of increasing the measure of punishment attached to the covered crimes. *Weaver v.*
25 *Graham*, 450 U.S. 24, 29 (1981).

26 Here, Weiss's argument fails on the first prong of this test because he committed his offense in
27 2015, nearly eight years *after* the effective date of NRS 209.4465(8). Therefore, the exceptions contained

28 ///

1 in subsection (8) are not being applied retroactively to Weiss because the statute was already in effect
2 when he committed his crime.

3 **D. Applying NRS 209.4465(8) to Weiss does not violate the Equal Protection Clause.**

4 In his Petition, Weiss incorrectly claims NDOC is required to deduct credits from both his
5 minimum parole eligibility and maximum sentence under the Fourteenth Amendment. While Weiss does
6 not provide factual support for his allegation, presumably he is comparing himself to other inmates with
7 similar categories of felonies who were eligible for credit against their minimum sentences under
8 previous versions of NRS 209.4465(7). But the Nevada Court of Appeals already considered and rejected
9 this argument. *Vickers v. Dzurenda*, 433 P.3d 306 (Nev. App. 2018).

10 In *Vickers*, the Court stated that application of statutory credits is subject to rational basis review
11 because inmates are not a suspect class. *Id.* at 309. Therefore, application of NRS 209.4465(8) will run
12 afoul of the Equal Protection Clause only if application is “so unrelated to the achievement of any
13 combination of legitimate purposes” that the Court can only conclude the legislature’s actions were
14 irrational. *Id.* at 310 (*quoting Allen v. State*, 100 Nev. 130, 136 (1984)). The Nevada Court of Appeals
15 has determined that the 2007 amendments to NRS 209.4465 refined the parole-eligibility calculation, and
16 “establishing the time an offender must spend in prison is a rational governmental purpose.” *Id.* at 310.
17 Therefore, any disparate credit application due to differing offense dates does not result in an equal
18 protection violation. *Id.*

19 Like the inmate in *Vickers*, Weiss is subject to the restrictions of NRS 209.4465(8) due to his
20 offense date. As such, the restrictions limiting credit application to just an inmate’s maximum sentence
21 when their conviction involves a category B felony and/or the use of force or violence against a victim
22 applies to Weiss and does not violate the Equal Protection Clause.

23 **E. To the extent Weiss is challenging work and study credits, his petition fails to adequately**
24 **address the same.**

25 In Exhibit A to his petition, Weiss attached a 16-year-old memorandum about “work/study
26 credits.” As Weiss does not address work or study credits in the body of his petition, it is unclear if Weiss
27 is also challenging the application of work and/or study credits toward his sentence. To the extent that
28 Weiss is making this challenge, Respondents request that Weiss be required to provide additional briefing

1 on the issue so that Respondents can respond accordingly. Respondents also note that the attached
2 memorandum was never adopted by NDOC and is not an accurate reflection of Nevada law, or NDOC
3 policy.

4 **CONCLUSION**

5 Respondents respectfully request this Court to deny Weiss's petition because application of credit
6 against Weiss's minimum sentence is prohibited by law and NDOC has appropriately applied credit
7 toward his maximum sentence.

8 DATED this 29th day of June 2021.

9 AARON D. FORD
10 Attorney General

11 By: /s/ Trisha Chapman
12 Trisha Chapman
13 Deputy Attorney General
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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: June 29, 2021.

AARON D. FORD
Attorney General

By: /s/ Trisha Chapman
Trisha Chapman
Deputy Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Response to Petition for Writ of Habeas Corpus* with the Clerk of the Court by using the electronic filing system on June 29, 2021.

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:

Justin Weiss, #1221491
c/o Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

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

Exhibit 1

NDOC Inmate Search

Search By Offender ID	
Offender ID:	1221491
-or-	
Search By Demographics	
First Name:	Wildcard %
Last Name:	Wildcard %
Submit	

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 Scott Kelley. email: sckelley@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 2021-06-21

Identification and Demographics

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution	Custody Level	Aliases	Prior Felonies
JUSTIN PAUL WEISS	1221491	Male	CAUCASIAN	40	6'2"	180lb		FAIR	BROWN	BROWN	SOUTHERN DESERT CORRECTIONAL CENTER	MEDIUM	JUSTIN P WEISS	NO

Booking Information

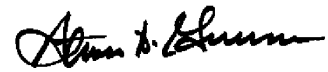
Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. FED	Sent. MPR	Sent. County	Sent. PEXD	Sent. Type	Sent. RRD	Sent. Start Date
96	VOLUNTARY MANSLAUGHTER	Aggregated	4 yr. 0 mo. 0 days	10 yr. 0 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2015-02-24
A007	Aggregate	Active	8 yr. 0 mo. 0 days	20 yr. 0 mo. 0 days	2023-02-23	2025-08-12	AGGREGATE SENTENCING	2026-02-13	DETERMINE		2015-02-24
3458	USE OF DEADLY WEAPON ENHANCEMENT	Aggregated	4 yr. 0 mo. 0 days	10 yr. 0 mo. 0 days			CLARK COUNTY COURTHOUSE		DETERMINE		2020-12-18

Inmate Photo**Parole Hearing Details**

Offender Book ID	Parole Hearing Date	Parole Hearing Location
191280	2019-10-10	PAROLE BOARD ROOM 101
191280	2019-12-16	PAROLE BOARD ROOM 301

Exhibit 2

Information



CLERK OF THE COURT

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 RICHARD SCOW
6 Chief Deputy District Attorney
7 Nevada Bar #009182
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 05/07/2015
13 1:00 P.M.
14 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16 Plaintiff,

17 -vs-

18 JUSTIN PAUL WEISS,
19 #7017255

20 Defendant.

CASE NO: C-15-306314-1

DEPT NO: XXII

INFORMATION

21 STATE OF NEVADA)
22) ss.
23 COUNTY OF CLARK)

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

26 That JUSTIN PAUL WEISS, the Defendant(s) above named, having committed the
27 crime of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS**
28 **200.010, 200.030, 193.165 - NOC 50001)**, on or about the 22nd day of February, 2015, 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, did
wilfully, unlawfully, feloniously, with premeditation and deliberation, and with malice

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1 aforethought, kill PEDRO RAMOS, a human being, with use of a deadly weapon, to-wit: a
2 knife, by stabbing into the body of the said Pedro Ramos with said knife.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY /s/Richard Scow
7 RICHARD SCOW
8 Chief Deputy District Attorney
9 Nevada Bar #009182

10 Names of witnesses known to the District Attorney's Office at the time of filing this
11 Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
12 BRADLEY, David	CA
13 BURT, Jeremy	CHP
14 CARIAS, Fausto	CA
15 CARIAS, Kevin	CA
16 CUSTODIAN OF RECORDS, or Designee	CHP Records
17 CUSTODIAN OF RECORDS, or Designee	CHP Communications
18 CUSTODIAN OF RECORDS, or Designee	CCDC
19 CUSTODIAN OF RECORDS, or Designee	LVMPD Communications
20 CUSTODIAN OF RECORDS, or Designee	LVMPD Records
21 EMBREY, B. M.	LVMPD #8644
22 GROSS, K.	C/O CCDA'S Office
23 LONG, D. R.	LVMPD #3969
24 MCINTYRE, M. A.	LVMPD #13207
25 MOGG, C. H.	LVMPD #5096
26 OLSON, Dr. Alane	Clark County Coroner's Office
27 RAMOS, Dyanna	CA
28 RAMOS, Mia	Ca

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RUETH, William
THOMAS, K. M.
UNGER, Trevor
WILSON, R. T.

WI
LVMPD #13574
Address unknown
LVMPD #3836

DA#15FG0007X/djj
LVMPD EV#1502221276
(TK3)

Exhibit 3

Judgment of Conviction

Steven D. Grierson

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

JUSTIN PAUL WEISS
#7017255

Defendant.

CASE NO. C-15-306314-1

DEPT. NO. XVII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crime of VOLUNTARY MANSLAUGHTER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.040, 200.050, 200.080, 193.165; thereafter, on the 14th day of August, 2019, the Defendant was present in court for sentencing with counsel ADRIAN LOBO, ESQ., and good cause appearing,

RECEIVED BY
DEPT 17 ON

AUG 15 2019

☐ Nolle Prosequi (before trial)	☐ Bench (Non-Jury) Trial
☐ Dismissed (after diversion)	☐ Dismissed (during trial)
☐ Dismissed (before trial)	☐ Acquittal
☐ Guilty Plea with Sent. (before trial)	☐ Guilty Plea with Sent. (during trial)
☐ Transferred (before/during trial)	☐ Conviction
☐ Other Manner of Disposition	

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to
2 the \$25.00 Administrative Assessment Fee, \$300.00 Extradition Costs and \$150.00 DNA
3 Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee.
4 the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: a
5 MAXIMUM of TEN (10) YEARS with a MINIMUM parole eligibility of FOUR (4) YEARS
6 plus a CONSECUTIVE term of a MAXIMUM of TEN (10) YEARS with a MINIMUM parole
7 eligibility of FOUR (4) YEARS for the Use of a Deadly Weapon; with ONE THOUSAND SIX
8 HUNDRED THIRTY-TWO (1,632) DAYS credit for time served.
9

10 DATED this 15 day of August, 2019.
11

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13 
14 MICHAEL VILLANI 05
15 DISTRICT COURT JUDGE
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