

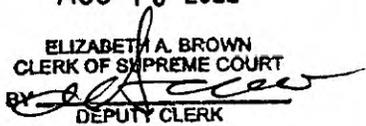
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARQUISE BELLAMY,
Appellant,
vs.
TIM GARRETT, WARDEN OF LCC;
AND THE STATE OF NEVADA,
Respondents.

No. 84196-COA

FILED

AUG 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Marquise Bellamy appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on October 6, 2021. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

In his petition, Bellamy claimed he was entitled to receive statutory credits toward his minimum term based on Assembly Bill 125 (A.B. 125), which was introduced during the 2021 legislative session.¹ The district court found that Bellamy was not entitled to relief because he failed to exhaust his administrative remedies, which is required by NRS 34.724(1), and because A.B. 125 was never passed by the Legislature. We conclude the district court did not err by finding that Bellamy failed to

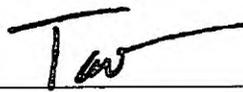
¹Bellamy was convicted of a category B felony, attempted sexual assault, which was committed in 2012. Pursuant to NRS 209.4465(8)(d), Bellamy was not entitled to the application of statutory credits toward his minimum term. A.B. 125, if it had passed, would have expanded the application of credits to a person's minimum term to persons who committed a category B felony after July 1, 2007. *See* A.B. 125, 81st Leg. (Nev. 2021).

exhaust his administrative remedies and that his claim was meritless because A.B. 125 was never enacted by the Legislature.

The district court also referred Bellamy for the forfeiture of credits because the claim raised was “not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law” and because the petition was “frivolous and wholly without merit.” *See* NRS 209.451(1)(d)(2). We conclude the district court did not clearly abuse its discretion by referring Bellamy for the forfeiture of credits. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Marquise Bellamy
Attorney General/Carson City
Clerk of the Court/Court Administrator