

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

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Clerk of Supreme Court

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN J. BARRAL,

Appellant,

vs.

TIM GARRETT, WARDEN LOVELOCK

CORRECTIONAL CENTER,

Respondent.

RECORD ON APPEAL

PLEADINGS

VOLUME 1

Dustin Barral #1108615
1200 Prison Road
Lovelock, Nv 89419
Appellant, In Pro Per/Attorney

Heather Procter
Chief Deputy Attorney General
100 North Carson Street
Carson City, Nv 89701
Attorney for Respondents

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1 Case No.

2 Dept No.

3

4 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

5 IN AND FOR THE COUNTY OF PERSHING

6

7 DUSTIN BARRAL,

8 Plaintiff,

9 vs.

10 TIM GARRETT, WARDEN LCC,

11 Respondent.

PETITION FOR WRIT OF HABEAS CORPUS
(Computation of Time)

12 COMES Now, Plaintiff, Dustin Barral, in prose, brings before this
13 Court his PETITION FOR WRIT OF HABEAS CORPUS (Computation of Time).

14 PETITION.

15 1. Name of institution and county in which you are presently imprisoned or
16 where and how you are presently restrained of your liberty:

17 Lovelock Correctional Center, Pershing County, Nevada

18 2. Name and location of court which entered the judgment of conviction under
19 which you are presently imprisoned:

20 Eighth Judicial District Court, Clark County, Nevada

21 3. Date of judgment of conviction: September 18, 2017

22 4. Case number: C269095-1

23 5. Length of sentence: Count 1 - 96 months to 240 months, Count 2 - 28 months to 72
24 months, sentences aggregated for 124 months to 312 months

25 6. Nature of offense involved in conviction: Count 1 - Attempt Sexual Assault under 14,
26 Count 2: Child Abuse, Neglect or Endangerment

27 7. Have you previously presented to any court any claim(s) concerning the computation
28 of time issue which you are presently within this petition? Yes No ☒

1 8. State concisely every ground on which you challenge the computation of
2 time that you have served. Summarize briefly the facts supporting each
3 ground.

4 (a) Ground One: LCC and the NDOC is not giving the Plaintiff the
5 required amount of days that he earned per NRS 209.4465.

6 SUPPORTING FACTS: While in prison at LCC I have earned 2
7 College Certificates, 3 Associates Degrees and have earned Exceptional
8 G.P.A days. The NDOC and LCC have given me meritorious credit
9 for all of this. Meritorious credit means if you earn 60 credits it
10 is equal to 30 days coming off of your expiration number. NRS 209.4465
11 clearly states that days are to be given for the above accomplishments.
12 I have filed 2 grievances about this issue - #20063141123 and
13 #20063140539; and I have exhausted the grievance procedure. This
14 is an issue of correctly interpreting the meaning of days found in NRS
15 209.4465.

16 WHEREFORE, petitioner prays that the court grant petitioner relief to which
17 he may be entitled in the proceeding

18 Executed on 15 day of February, 2023

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Dustin Barral #1108615

LCC

1200 Prison Rd

Lowell, NV 89419

Petitioner in Pro Se

CERTIFICATE OF SERVICE

I certify that I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS on 15 day of February, 2023, to the following address(es) pursuant to NRCP 5(b):

Warden Tim Garrett
LCC
1200 Prison Rd
Lovelock, NV 89419

NV Attorney General Aaron Ford
100 N. Carson St
Carson City, NV 89701

Dated this 15 day of February, 2023

DBL

Dustin Barral #1106615
LCC
1200 Prison Rd
Lovelock, NV 89419
Plaintiff in Pro Se

VERIFICATION PURSUANT TO NRS 239B.030

The undersigned does hereby verify that the preceding Petition for Writ of Habeas Corpus (Computation of Time) does not contain the social security number of any person.

Dated this 15 day of February, 2023

DBL

Dustin Barral
Plaintiff in Pro Se

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

ORDER TO RESPOND

WHEREAS Petitioner, Dustin Barral, a Nevada prisoner, representing himself as a pro se litigant, has filed a Petition for Writ of Habeas Corpus (Computation of Time) on February 21, 2023, in the Eleventh Judicial District Court, and

The Court has reviewed the petition and has determined that a response would assist the Court in determining whether the petitioner is illegally imprisoned and restrained of his liberty. Respondent shall, within 45 days after the date of this order, answer or otherwise respond to the Petition and file a return in accordance with the provisions of NRS 34.360 to 34.380, inclusive.

1 As a real party in interest, the Attorney General’s Office shall be authorized to file a

2 Response in this matter.

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL VS TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order to Respond

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT WARDEN LCC,

Defendant.

AFFIDAVIT OF MAILING

I, Danielle Rackley, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of Order to Respond that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

DATED this 17th day of March.

KATE MARTIN
CLERK OF THE COURT

By: /s/ Danielle Rackley

1 Dustin Barral #1108615

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff in Pro Se

6

7 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF PERSHING

9

10 DUSTIN BARRAL,

11 Plaintiff,

12 V.

13 TIM GARRETT, WARDEN LCC,

14 Respondent

Case No.: 27CV-WR1-2023-0059

15 SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF HABEAS CORPUS

16 (COMPUTATION OF TIME)

17 COMES NOW, Plaintiff, Dustin Barral, in prose, seeks to provide additional
18 information regarding his case in the above-entitled action. This is based on
19 all papers and pleadings that have been filed in the instant case.

20

21 POINTS AND AUTHORITIES

22 1. The Plaintiff has fulfilled all requirements via the Grievance procedure and is
23 allowed to move forward in a civil suit.

24 The Plaintiff has exhausted the Grievance procedure in grievance
25 numbers 20063141123 and 20063140539 (See Exhibit 1 and 2). Both
26 Second Level grievances have not been responded to in the time limit that
27 is required. As such the Plaintiff is entitled to move forward in a civil
28 suit to seek a resolution to the problem.

1 2. Days earned in NRS 209.4465 are not Meritorious Credit and cannot be
2 treated as such.

3 NRS 209.4465 is the controlling statute in this proceeding. Forgoing above
4 and beyond and earning educational achievements during incarceration, the
5 inmate is to be awarded "days". Each educational achievement has a
6 certain amount of "days" attached to it. The NDOC and by extension LCC
7 grants an inmate meritorious credit instead of days. Meritorious credit means
8 that if one earns 30 meritorious credits, the inmate's expiration only moves
9 15 days closer. Meritorious credit can use the equation: $\frac{1}{2} \times \# \text{ of meritorious}$
10 $\text{credit} = \text{total number of days off of expiration}$.

11 There can be no confusion between the difference in the meaning of days
12 and the meaning of meritorious credit. The law of the State of Nevada requires
13 the NDOC/LCC to provide days not meritorious credit. In AR 803.01,
14 entitled Credit Awards, it labels each award as credits and not days. This
15 is in violation of NRS 209.4465 which states days. A day is a 24 hour
16 period and that means for every day earned a 24 hour period must
17 come off the inmate's sentence.

18
19 3. The NDOC/LCC in its Meritorious credit/Day posting and/or calculation is
20 wrong.

21 In grievance number 20063140539, in the official response, it states "You
22 are advised that when you receive meritorious credit you do in fact get the total
23 approved number of days off your total days owed. However, because the number
24 of days has now reduced your total days owed, you will no longer be in prison
25 as long as initially projected. By shortening the number of days, you will be in prison,
26 it also shortens the amount of time you would have been earning your stat and
27 work credits as well. For example, a 90-day meritorious credit posting would
28 reduce the total days owed by 90 days, but that means those 3 months would

1 no longer be available for the inmate to earn 20 stat and 10 work credits each of
2 those months too, which have been used in calculating the PEXD prior to
3 posting. Therefore 90 days of merit credit doesn't result in your PEXD moving
4 90 days closer."

5 There is a lot to unpack from this. To start, one does not get
6 the total of approved number of days off ones sentence. Next, the total
7 days owed has not been reduced in full. The key word the NDOC likes to use
8 is "as initially projected". Earning a 90 day merit credit posting should mean
9 that an inmate can't earn 20 stat and 10 work credits for those months because
10 they don't exist on his/her sentence.

11 If the Court would look at the Credit History report printed in 7/2022
12 for grievance # 20063140539 (see Exhibit 1) it shows the Plaintiff's credit
13 history. On the third page (technically page 9 of 12) it shows that as of 7/1/22
14 the Plaintiff had 2811 days remaining. That means the Plaintiff has 7.701 years
15 until expiration per LCC's explanation. But the Credit History report also states
16 that the Plaintiff's PEXD is 6/16/26 (was at that time). That is only just under
17 4 years or about 1430 days. Additionally the Credit History report states that
18 the Current Earned Expiration Date is 5/11/2030. If the Plaintiff is sentenced to
19 a 10yr 4mo - 26yr sentence, 26 years from 5/28/2013 is 2039.

20 When an inmate comes to prison in the NDOC, he/she is given around
21 40% off of his/her sentence automatically. This is called good time credit. If an
22 inmate does nothing he loses this good time credit and his expiration date
23 moves further away. On the other hand if the inmate works; programs or enrolls
24 in education his date does not move away from him. The Plaintiff got this
25 good time credit. He has also worked, done programs and earned educational
26 achievements reducing his expiration. Everything the Plaintiff has done to
27 lower his expiration date the NDOC did not know he was going to do this
28 when he came to prison/the NDOC. So it cannot be counted in the 40%
010

1 good time credit.

2 The NDOC/LCC according to the Credit History report say that
3 the Plaintiff's PEXD is 6/16/26 (was at that time). If this is the Plaintiff's
4 expiration date then any days that he has earned must come off of
5 this date. How can the Plaintiff expire in about 4 years but the time
6 comes off of a 7.701 year calculation? It can't. Even if those 7.701 years
7 are the good time credit the Plaintiff received upon coming to prison,
8 every day he's earned and serving for was never expected to be earned and
9 are not a part of this calculation.

10 Accordingly here are the days I'm owed:

11	Date Earned/Entered	Description	Merit Credit Given	Days Owed
12	7/18	College Certificate	60	30
13	3/1/20-2/1/21	AB 241 Covid Days	60	30
14	1/1/22	College Certificate	60	30
15	1/1/22	Exceptional G.P.A	60	30
16	7/22	1 st Associate Degree	120	60
17	7/22	Exceptional G.P.A	60	30
18	1/23	2 nd Associate Degree (still pending)	90	45
19	1/23	Exceptional G.P.A (still pending)	60	30
20				TOTAL 285 days

21
22 There is another that must be addressed per grievance # 20063141123
23 (See Exhibit 2). In grievance # 20063138247 (see Exhibit 3) LCC granted/
24 upheld this grievance. In it the Plaintiff requested that his Exceptional
25 G.P.A be excused from the 90 day credit limit for meritorious credit as per
26 NRS 209.4465. The NDOC/LCC agreed to this but has failed to exempt
27 my Exceptional G.P.A's from this limit. The Plaintiff took Getting It Right
28 and earned 30 Meritorious Credit for it but was given 0 meritorious

1 credit. This Court must order the NDOC/LCC to exempt the Exceptional
2 G.P.A.'s from counting against the 90 meritorious credit limit and apply
3 the 30 meritorious credit for Getting It Right. If the Court rules that
4 the Plaintiff is right and in his favor, then the Exceptional G.P.A. will
5 count as days and won't count against the 90 meritorious credit limit.
6 Either way, LCC must be ordered to give the Plaintiff his 30 meritorious
7 credit for Getting It Right.

8 CONCLUSION

9 For the above reasons, this Court, must find in the Plaintiff's
10 favor and rule that the NDOC/LCC must provide actual days for items
11 found in NRS 209.4465. That this ruling applies to all future earning of days
12 as well.

13 Dated this 22 day of March, 2023

14 DJB

15 Dustin Barral # 1108615

16 LCC

17 1200 Prison Rd.

18 Lovelock, NV 89419

19 Plaintiff in Pro Se

20 AFFIRMATION PURSUANT TO NRS 239B.030

21 The undersigned does hereby affirm that the preceding Supplemental Brief to
22 Petition for Writ of Habeas Corpus (Computation of Time) does not contain the social
23 security number of any person.

24 Dated this 22 day of March, 2023

25 DJB

26 Dustin Barral

27 Plaintiff in Pro Se

CERTIFICATE OF SERVICE

I certify that I mailed a true and correct copy of the foregoing
SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION
OF TIME) on 22 day of March, 2023, to the following
address(es) pursuant to WRCP 5(b):

Warden Tim Garrett

Aaron Ford

LCC

NV Attorney General

1200 Prison Rd

100 N. Carson St.

Lovelock, NV 89419

Carson City, NV 89701

Dated this 22 day of March, 2023

Dustin Barral

Dustin Barral #1108615

LCC

1200 Prison Rd

Lovelock, NV 89419

Plaintiff in Pro Se

1 Case No. 27 CV-WR1-2023-0059

2

3 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

4 IN AND FOR THE COUNTY OF PERSHING

5

6 Dustin Barral,

7 Plaintiff

8 v.

9 Tim Garrett, Warden LCC,

10 Respondent.

11 INDEX OF EXHIBITS IN SUPPORT OF SUPPLEMENTAL BRIEF TO PETITION

12 FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME)

13 The Plaintiff, Dustin Barral, in prose, submits the following Index of Exhibits

14 in Support of Supplemental Brief to Petition For Writ of Habeas Corpus (Computation

15 of Time) by a Person in State's Custody.

16

17 No.

Document

18 1

Full Grievance # 20063140539

19 2

Full Grievance # 20063141123

20 3

Informal Grievance response for grievance # 20063138247

21

22

23

24

25

26

27

28

EXHIBIT

1

Log Number 2004-31-40539

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Dustin Barral I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT: 1A15B

GRIEVANT'S STATEMENT: On 7/11 I kited Case under Waters requesting a Credit History Report (C.H.R.)

On 7/14 I received my kite back with the C.H.R. attached. She replied that my merit credits for my 2nd College Cert. and Exceptional G.P.A. had been posted to my sentence structure (kited dated 7/13 but wasn't received until 7/14). This was in response to grievance # 2006-31-36247 / Grievance # 2006-31-36247 was agreed to h/c it dealt with getting credit for the above, this is a separate issue of days vs. merit credit)

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 7/20/22 TIME: 3:00 pm

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 7.21.22 TIME: 9:15 am

GRIEVANCE RESPONSE: _____

See Attached

CASEWORKER SIGNATURE: [Signature] DATE: 8/1/22

 GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 9/6/22

 INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 9/13/22

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

RECEIVED

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

JUL 21 2022

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

016
DOC 3091 (12 / 01)

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barrow I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

After winning grievance #1006-31-38247, the NDOC gave me 60 meritorious credit for my 2nd College Course Exceptional G.P.A. not days like it was required. According to NRS 209.4465 (2)(b)(c), (3), (5) it states "2 ... In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement: (a) ... 60 days, (b) ... 90 days, (c) ... 120 days, (3) ... 90 days, (5) ... 90 days ...". AR 803.01(1) states "Educational Degree Credits will be awarded per the requirements of NRS 209.433-209.4465. (A) ... 90 credits will be awarded." NRS 209.4465's plain language states that days should be given not meritorious credit. When a statutory phrase is clear and unambiguous, a court must give effect to that clear meaning and will not consider sources beyond the language of the statute to interpret it. The only way to interpret NRS 209.4465 is that the NDOC/LCC are supposed to give days not meritorious credit for certain educational achievements.

Remedies:

- ① No retaliation for this grievance - no random bed moves for me or my cellie, no random cell searches, no institutional moves, no firing me from my job.
- ② Give me the full days for my educational achievements. To fulfill this, give me the

Original:
Pink:

Attached to Grievance
Inmate's Copy

RECEIVED

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

JUL 21 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

DOC - 3097 (01/02) 017

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barred I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

days I'm owed for the following achievements: On 5/29/19 - 30 days for my 1st College Cert, 1/31/22 - 30 days for my 2nd College Cert, 30 days for Exceptional G.P.A. For a total of 90 days.

③ See to it that all future educational achievements that qualify receive days not meritorious credit. (Including my 1st Associate Degree and Exceptional G.P.A. put in for days on 7/13/22) This can mean that a college certificate will get 120 meritorious credit because that equals 60 days and so on for other achievements.

④ Adjust all AR's and OP's to reflect days as noted in NRS 209.4465

⑤ Since the word days is being recognized, grant me my full days for the Covid relief fund in AB241, which equals 30 days that I am due.

Original:
Pink:

Attached to Grievance
Inmate's Copy

RECEIVED

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

RECEIVED

JUL 21 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

1A-15B

ISSUE ID# 20063140539

ISSUE DATE: 07/21/2022

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO
BARRAL, DUSTIN JAMES	1108615	RTRN_INF	GWATERS

LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	09/07/2022	5	Denied	JACHANDLER	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate Barral, Dustin #1108615,

I am in receipt of your Informal Grievance #2006-31-40539 as it relates to your receipt of ?credits and not days like it was required according to NRS 209.4465(2)(a)(b)(c),(3), and (5).? You further state that the only way to interpret NRS 209.4465 is that the NDOC/LCC are supposed to give days not meritorious credit for certain educational achievements. Your remedy is to (1) have no retaliation for this grievance, no random bed moves for you or your cellie, no random cell searches, no institutional moves, no firing from your job. (2) Give you the full days for your educational achievements. To fulfill this, give you the days you claim you are owed for the following achievements: On 5/29/19-30 days for your first 1st College Certificate, 1/31/22 ? 30 days for your 2nd College Certificate, 30 days for exceptional GPA for a total of 90 days. (3) See to it that all future educational achievements that qualify receive days not meritorious credit. (4) Adjust all AR?s and OP?s to reflect days as noted in NRS 209.4465. (5) Since the word days is being recognized, grant you full days for the COVID relief fund in AB241 , which equals 30 days that you claim you are due.

This grievance has been reviewed with NRS 209.4465 and AR 803(NDOC Credit Awards) along with your credit history report. You are advised that when you receive meritorious credit you do in fact get the total approved number of days off your ?total days owed?. However, because the number of days has now reduced your total days owed, you will no longer be in prison for as long as initially projected. By shortening the number of days, you will be in prison, it also shortens the amount of time you would have been earning your stat and work credits as well. For example, a 90-day merit credit posting would reduce the total days owed by 90 days, but that means those 3 months would no longer be available for the inmate to earn 20 stat and 10 work credits each of those months too, which had been used in calculating the PEXD prior to posting. Therefore 90 days of merit credit doesn?t result in your PEXD?s moving 90 days closer.

Your grievance is denied in its entirety as you have received appropriate credits/days and you will not receive more than is allowed by NRS 209.4465.


GRIEVANCE RESPONDER

RECEIVED

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: SEP-07-22 08:55 AM

SEP 15 2022
Page 1 of 1

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

Log Number 2006-3140539

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Dustin Barrol I.D. NUMBER: 1108615
INSTITUTION: LCC UNIT: 1A15B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063140539, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 9/14/22

WHY DISAGREE: The response I got failed to properly differentiate between meritorious credits and days. Meritorious credit means that for 90 m.c. the inmate actually gets 45 days off of his/her expiration date. Days mean that the inmate actually gets 90 days off his expiration. If one would look at the attached credit history report (pgs 5-8) one can see that my college certificate (should get days) is treated the same as

GRIEVANCE COORDINATOR SIGNATURE: J. Chandler DATE: 9-15-2022

FIRST LEVEL RESPONSE: See attached

 GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: Warden DATE: 1/16/23

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1/16/23

 INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 1/12/23

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barreal I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: 20063140539 GRIEVANCE LEVEL: 1st Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

RP-SO or ServeSafe (meritorious credit). This is not how it is suppose to work.
In the response, the respondent refers to days as day-meritorious credit.
This is absolutely inaccurate. NRS 209.4465 does not say day-meritorious
credit, it says days. LCC putting "meritorious credit" on the end of days is
inaccurate and illegal. LCC must start differentiating between NDOC's meritorious
credit and the LAWS (NRS) use of days. They are not the same.

All NRS "days" need to be given as days off the expiration. 90 days =
90 whole days off of my expiration not 45 meritorious credit earnings. There is
a clear and distinct difference in the definitions between days and meritorious
credit. Again, look at my credit history report and you'll see every thing earned
is credited the same (even though there is a difference). LCC cannot continued
to say "potatoe is the same a po-tot-oe". It is not the same and LCC knows this.

Remedies: (same as original but will resolve)

① No retaliation for this grievance - no random bed moves for me or my cellie, no
random cell searches, no institutional moves, no firing me from my job.

RECEIVED

Original: Attached to Grievance
Pink: Inmate's Copy

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barrel I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: 20063140539 GRIEVANCE LEVEL: 1st Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

② Give me the full days for my educational achievements. To fulfill - see original grievance.

③ See to it that all future educational achievements that qualify receive days not meritorious credit - see original grievance.

④ Adjust all AR's and OR's to reflect days as noted in NRS 209.4465

⑤ see original grievance.

RECEIVED

Original: Attached to Grievance
Pink: Inmate's Copy

SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

DOC - 3097 (01/02)⁰²²



State of Nevada
Department of Corrections

1A-153

INMATE GRIEVANCE REPORT

ISSUE ID# 20063140539

ISSUE DATE: 07/21/2022

INMATE NAME		NDOC ID	TRANSACTION TYPE	ASSIGNED TO	
BARRAL, DUSTIN JAMES		1108615	RTRN_L1	TGARRETT	
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	01/09/2023	5	Denied	JACHANDLER	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Offender Barral, Dustin #1108615,

I am in receipt of your First Level Grievance #2006-31-40539 as it relates to your receipt of ?credits and not days like it was required according to NRS 209.4465(2)(a)(b)(c),(3), and (5).? You further state that the only way to interpret NRS 209.4465 is that the NDOC/LCC are supposed to give days not meritorious credit for certain educational achievements. Your remedy is to (1) have no retaliation for this grievance, no random bed moves for you or your cellie, no random cell searches, no institutional moves, no firing from your job. (2) Give you the full days for your educational achievements. To fulfill this, give you the days you claim you are owed for the following achievements: On 5/29/19-30 days for your first 1st College Certificate, 1/31/22 ? 30 days for your 2nd College Certificate, 30 days for exceptional GPA for a total of 90 days. (3) See to it that all future educational achievements that qualify receive days not meritorious credit. (4) Adjust all AR?s and OP?s to reflect days as noted in NRS 209.4465. (5) Since the word days is being recognized, grant you full days for the COVID relief fund in AB241 , which equals 30 days that you claim you are due.

You were answered appropriately at the previous level. Again, this grievance has been reviewed with NRS 209.4465 (Credits for offender sentenced for crime committed on or after July 17, 1997) and AR 803(NDOC Credit Awards) along with your credit history report. You are again advised that when you receive meritorious credit you do in fact get the total approved number of days off your ?total days owed?. However, because the number of days has now reduced your total days owed, you will no longer be in prison for as long as initially projected. By shortening the number of days, you will be in prison, it also shortens the amount of time you would have been earning your stat and work credits as well. For example, a 90-day merit credit posting would reduce the total days owed by 90 days, but that means those 3 months would no longer be available for the offender to earn 20 stat and 10 work credits each of those months too, which had been used in calculating the PEXD prior to posting. Therefore 90 days of merit credit, or any other credit, doesn?t result in your PEXD?s moving 90 days closer. Review of the Credit History Report, that you have attached, confirms that Statutory Good Time Credits, Work Credits, Flat Credits and various Merit Credits are all being applied to, and are reducing, the number of days remaining on your sentence; for example, you received an adjustment of 60 days for the merit credits applied for your College Certificate 01/01/22-01/31/22 (3352 Days Remaining-3292 Days Remaining=Difference of 60 days) and an adjustment of 60 days for the Exceptional Merit GPA 3.87 01/01/22-01/31/22 (3292 Days Remaining-3232 Days Remaining= Difference of 60 days). Your grievance is denied in its entirety as you have received appropriate credits/days and you will not receive more than is allowed by NRS 209.4465.

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: JAN-09-23 11:12 AM

Page 1 of 1

LOG NUMBER: _____

NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE

NAME: Dustin Barrell I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT: 1A15B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063140539, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 12/8/22

WHY DISAGREE: LCC has failed to respond to my First-Level Grievance in the allotted time. I gave LCC an additional 30 days to respond before escalating to the Second Level. LCC refuses to give a response to my grievance unless a court of law rules in an admission of guilt. LCC refuses to answer me because they cannot admit to anything they are

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

SECOND LEVEL RESPONSE: _____

____ GRIEVANCE UPHELD ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE SIGNATURE: _____ DATE: _____

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barrel I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 14153

GRIEVANCE #: 20063140539 GRIEVANCE LEVEL: 2nd Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

wrong and I am correct in my grievance. LCC does not want to
award me the credits I have properly earned. If documents are needed
contact LCC for Informal and First Level Grievances.

All penalties are the same as in the Informal and First Level
Grievances.

Original: Attached to Grievance
Pink: Inmate's Copy

INMATE REQUEST FORM

1.) INMATE NAME <u>Dustin Barnd</u>	DOC # <u>1108615</u>	2.) HOUSING UNIT <u>1A15B</u>	3.) DATE <u>7/11/22</u>
--	-------------------------	----------------------------------	----------------------------

4.) REQUEST FORM TO: (CHECK BOX)

<input checked="" type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> SHIFT COMMAND	<input type="checkbox"/> OTHER _____

5.) NAME OF INDIVIDUAL TO CONTACT: 1A Caseworker Waters

6.) REQUEST: (PRINT BELOW) Can I please get a Credit History Report printed
ext?

Thank You
DBL

7.) INMATE SIGNATURE [Signature] DOC # 1108615

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

RECEIVED

JUL 21 2022

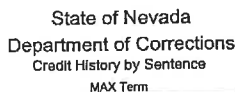
Attached.

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

Be advised that merit credit
for your 2nd College Certificate + Exceptional
Credit has been posted ~~to~~ to
your sentence structure

10.) RESPONDING STAFF SIGNATURE [Signature], CCST DATE 7/13/22
SEP 15 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES
DOC - 3012 (REV. 7/01)



Offender: BARRAL, DUSTIN - 0001108615						Sentence: 3		Count: 1
						Current Expiration Date: 05/11/2030		
Case#	Sentence Dt	JC	Release Dt	MAK Term	Days Overst	PE#	PE#D	Status
AG_151260_3	09/18/2017	1574	05/28/2013	28y 9m 0d	9498	09/27/2023	06/16/2025	A
From Date	To Date	Adjud Code	Adjud Desc	Comments	Days Remaining			
05/28/2013	05/31/2013	FLAT	4	No Comment	9492			
05/28/2013	05/31/2013	STAT	3	No Comment	9489			
05/28/2013	05/31/2013	WORK	0	No Comment	9488			
06/01/2013	06/30/2013	FLAT	30	No Comment	9459			
06/01/2013	06/30/2013	STAT	20	No Comment	9439			
06/01/2013	06/30/2013	WORK	0	No Comment	9408			
07/01/2013	07/31/2013	FLAT	31	No Comment	9388			
07/01/2013	07/31/2013	STAT	20	No Comment	9388			
07/01/2013	07/31/2013	WORK	0	No Comment	9357			
08/01/2013	08/31/2013	FLAT	31	No Comment	9337			
08/01/2013	08/31/2013	STAT	20	No Comment	9337			
08/01/2013	08/31/2013	WORK	0	No Comment	9307			
09/01/2013	09/30/2013	FLAT	30	No Comment	9287			
09/01/2013	09/30/2013	STAT	20	No Comment	9287			
09/01/2013	09/30/2013	WORK	0	No Comment	9256			
10/01/2013	10/31/2013	FLAT	31	No Comment	9236			
10/01/2013	10/31/2013	STAT	20	No Comment	9236			
10/01/2013	10/31/2013	WORK	0	No Comment	9206			
11/01/2013	11/30/2013	FLAT	30	No Comment	9186			
11/01/2013	11/30/2013	STAT	20	No Comment	9186			
11/01/2013	11/30/2013	WORK	0	No Comment	9155			
12/01/2013	12/31/2013	FLAT	31	No Comment	9135			
12/01/2013	12/31/2013	STAT	20	No Comment	9135			
12/01/2013	12/31/2013	WORK	0	No Comment	9104			
01/01/2014	01/31/2014	FLAT	31	No Comment	9084			
01/01/2014	01/31/2014	STAT	20	No Comment	9084			
01/01/2014	01/31/2014	WORK	0	No Comment	9069			
02/01/2014	02/28/2014	FLAT	28	No Comment	9036			
02/01/2014	02/28/2014	STAT	20	No Comment	9036			
02/01/2014	02/28/2014	WORK	0	No Comment	9005			
03/01/2014	03/31/2014	FLAT	31	No Comment	8955			
03/01/2014	03/31/2014	STAT	20	No Comment	8955			
03/01/2014	03/31/2014	WORK	0	No Comment	8935			
04/01/2014	04/30/2014	FLAT	30	No Comment	8935			
04/01/2014	04/30/2014	STAT	20	No Comment	8935			
04/01/2014	04/30/2014	WORK	0	No Comment	8904			
05/01/2014	05/31/2014	FLAT	31	No Comment	8863			

1. The 1975-76 survey was the second in a series of studies, the results of which are reported in the following tables, and should only be interpreted in conjunction with the results of the other studies in the series. The 1975-76 survey was the first in a series of studies, the results of which are reported in the following tables, and should only be interpreted in conjunction with the results of the other studies in the series. The 1975-76 survey was the first in a series of studies, the results of which are reported in the following tables, and should only be interpreted in conjunction with the results of the other studies in the series.

OSM Report Name: CreditHistBySmtRpt

Page 1 of 12

Run Date: Wed Jul 13 07:50:31 PDT 2022

Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

Current Earned Expiration Date: 05/11/2030

Case	Salvance Dt	JC	Petro Dt	MAX Term	Caps Court	PEB	END	Status
AG_181289_3	09/18/2017	1574	05/28/2019	35y Gm Od	9496	09/27/2023	06/18/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2014	05/01/2014	STAT	20	No Comment	8884
05/01/2014	05/01/2014	WORK	0	No Comment	8884
06/01/2014	06/30/2014	FLAT	30	No Comment	8854
06/01/2014	06/30/2014	STAT	20	No Comment	8834
06/01/2014	06/30/2014	WORK	0	No Comment	8834
07/01/2014	07/31/2014	FLAT	31	No Comment	8803
07/01/2014	07/31/2014	STAT	20	No Comment	8783
07/01/2014	07/31/2014	WORK	0	No Comment	8783
08/01/2014	08/31/2014	FLAT	31	No Comment	8752
08/01/2014	08/31/2014	STAT	20	No Comment	8732
08/01/2014	08/31/2014	WORK	0	No Comment	8732
09/01/2014	09/30/2014	FLAT	30	No Comment	8702
09/01/2014	09/30/2014	STAT	20	No Comment	8682
09/01/2014	09/30/2014	WORK	0	No Comment	8682
10/01/2014	10/31/2014	FLAT	31	No Comment	8651
10/01/2014	10/31/2014	STAT	20	No Comment	8631
10/01/2014	10/31/2014	WORK	0	No Comment	8631
11/01/2014	11/30/2014	FLAT	30	No Comment	8601
11/01/2014	11/30/2014	STAT	20	No Comment	8581
11/01/2014	11/30/2014	WORK	0	No Comment	8581
12/01/2014	12/31/2014	FLAT	31	No Comment	8550
12/01/2014	12/31/2014	STAT	20	No Comment	8530
12/01/2014	12/31/2014	WORK	0	No Comment	8530
01/01/2015	01/31/2015	FLAT	31	No Comment	8499
01/01/2015	01/31/2015	STAT	20	No Comment	8479
01/01/2015	01/31/2015	WORK	0	No Comment	8479
02/01/2015	02/28/2015	FLAT	28	No Comment	8451
02/01/2015	02/28/2015	STAT	20	No Comment	8431
02/01/2015	02/28/2015	WORK	0	No Comment	8431
03/01/2015	03/31/2015	FLAT	31	No Comment	8400
03/01/2015	03/31/2015	STAT	20	No Comment	8380
03/01/2015	03/31/2015	WORK	0	No Comment	8380
04/01/2015	04/30/2015	FLAT	30	No Comment	8350
04/01/2015	04/30/2015	STAT	20	No Comment	8330
04/01/2015	04/30/2015	WORK	0	No Comment	8330
05/01/2015	05/31/2015	FLAT	31	No Comment	8299
05/01/2015	05/31/2015	STAT	20	No Comment	8279
05/01/2015	05/31/2015	WORK	0	No Comment	8279
06/01/2015	06/30/2015	FLAT	30	No Comment	8249
06/01/2015	06/30/2015	STAT	20	No Comment	8229
06/01/2015	06/30/2015	WORK	0	No Comment	8229
07/01/2015	07/31/2015	FLAT	31	No Comment	8198
07/01/2015	07/31/2015	STAT	20	No Comment	8178

The NEXD is the "Projected Expiration Date," in which it is a projected date, and should vary by an approximation of the actual release date. When NEXD still has a difference to the actual release date, the intended release calendar will be incorrect. Entries in Blue are future dates that have not been named yet.

QSM Report Name: CreditHisBySentRp

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Wed Jul 13 07:50:31 PDT 2022

JUL 21 2022

Offender: BARRAL, DUSTIN - 0001108615						Sentence: 3		Count: 1
Current Earned Expiration Date: 05/11/2030								
Case	Sentence Dt	JC	Revo Dt	MAX Term	Days Over	PED	PFXD	Status
AG_181200_3	09/18/2017	1574	05/28/2013	29y 0m 0d	9496	09/27/2023	09/16/2026	A
From Date	To Date	Adjust Code	Adjust Day	Comments				Days Remaining
07/01/2015	07/31/2015	WORK	0	No Comment				8176
08/01/2015	08/31/2015	FLAT	31	No Comment				8147
08/01/2015	08/31/2015	STAT	20	No Comment				8127
08/01/2015	08/31/2015	WORK	0	No Comment				8127
09/01/2015	09/30/2015	FLAT	30	No Comment				8097
09/01/2015	09/30/2015	STAT	20	No Comment				8077
09/01/2015	09/30/2015	WORK	0	No Comment				8077
10/01/2015	10/31/2015	FLAT	31	No Comment				8046
10/01/2015	10/31/2015	STAT	20	No Comment				8026
10/01/2015	10/31/2015	WORK	0	No Comment				8026
11/01/2015	11/30/2015	FLAT	30	No Comment				7886
11/01/2015	11/30/2015	STAT	20	No Comment				7976
11/01/2015	11/30/2015	WORK	0	No Comment				7976
12/01/2015	12/31/2015	FLAT	31	No Comment				7945
12/01/2015	12/31/2015	STAT	20	No Comment				7925
12/01/2015	12/31/2015	WORK	0	No Comment				7925
01/01/2016	01/31/2016	FLAT	31	No Comment				7894
01/01/2016	01/31/2016	STAT	20	No Comment				7874
01/01/2016	01/31/2016	WORK	0	No Comment				7874
02/01/2016	02/29/2016	FLAT	29	No Comment				7845
02/01/2016	02/29/2016	STAT	20	No Comment				7825
02/01/2016	02/29/2016	WORK	0	No Comment				7825
03/01/2016	03/31/2016	FLAT	31	No Comment				7794
03/01/2016	03/31/2016	STAT	20	No Comment				7774
03/01/2016	03/31/2016	WORK	0	No Comment				7774
04/01/2016	04/30/2016	FLAT	30	No Comment				7744
04/01/2016	04/30/2016	STAT	20	No Comment				7724
04/01/2016	04/30/2016	WORK	0	No Comment				7724
05/01/2016	05/31/2016	FLAT	31	No Comment				7693
05/01/2016	05/31/2016	STAT	20	No Comment				7673
05/01/2016	05/31/2016	WORK	0	No Comment				7673
06/01/2016	06/30/2016	FLAT	30	No Comment				7643
06/01/2016	06/30/2016	STAT	20	No Comment				7623
06/01/2016	06/30/2016	WORK	0	No Comment				7623
07/01/2016	07/31/2016	FLAT	31	No Comment				7592
07/01/2016	07/31/2016	STAT	20	No Comment				7572
07/01/2016	07/31/2016	WORK	0	No Comment				7572
08/01/2016	08/31/2016	FLAT	31	No Comment				7541
08/01/2016	08/31/2016	STAT	20	No Comment				7521
08/01/2016	08/31/2016	WORK	0	No Comment				7521
09/01/2016	09/30/2016	FLAT	30	No Comment				7491
09/01/2016	09/30/2016	STAT	20	No Comment				7471
09/01/2016	09/30/2016	WORK	0	No Comment				7471

The 1972 in the "Projected Creation Date", as much as it is a projected date, that should only be considered an approximation of the actual release date. When KID001 will be a document has a specific date.

OSM Record Name: CreditHistBySentRpt

Page 3 of 12

Run Date: Wed Jul 13 07:50:31 PDT 2022

Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

Case: 09182017

Case: 09182017

Case: 09182017

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The PCRB is the "Procedural Fairness" unit, yet it is a non-political unit and should not be confused with the Department of Justice. The PCRB staff has determined the administrative data will be made available to the public. The PCRB staff has determined the administrative data will be made available to the public. The PCRB staff has determined the administrative data will be made available to the public.

OSM Report Name: CreditHistoryExportRpt

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LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

Offender: BARRAL, DUSTIN - 0001108615									
Sentence: 3 Count: 1									
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Rele Dt	MAX Term	Days Owed	PED	PEAD	Status	
AG_181200_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	06/16/2028	A	
From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining				
11/01/2017	11/30/2017	WORK	0	Reduction for not working	8765				
12/01/2017	12/31/2017	FLAT	31	No Comment	8734				
12/01/2017	12/31/2017	STAT	20	No Comment	8714				
12/01/2017	12/31/2017	WORK	0	Reduction for not working	8714				
01/01/2018	01/31/2018	FLAT	31	No Comment	8683				
01/01/2018	01/31/2018	STAT	20	No Comment	8663				
01/01/2018	01/31/2018	WORK	0	Reduction for not working	8663				
02/01/2018	02/28/2018	FLAT	28	No Comment	8635				
02/01/2018	02/28/2018	STAT	20	No Comment	8615				
02/01/2018	02/28/2018	WORK	0	Reduction for not working	8615				
03/01/2018	03/31/2018	FLAT	31	No Comment	8584				
03/01/2018	03/31/2018	STAT	20	No Comment	8564				
03/01/2018	03/31/2018	WORK	0	Reduction for not working	8564				
04/01/2018	04/30/2018	FLAT	30	No Comment	8534				
04/01/2018	04/30/2018	STAT	20	No Comment	8514				
04/01/2018	04/30/2018	WORK	0	Reduction for not working	8514				
05/01/2018	05/31/2018	FLAT	31	No Comment	8483				
05/01/2018	05/31/2018	STAT	20	No Comment	8463				
05/01/2018	05/31/2018	WORK	0	Reduction for not working	8463				
06/01/2018	06/30/2018	FLAT	30	No Comment	8433				
06/01/2018	06/30/2018	STAT	20	No Comment	8413				
06/01/2018	06/30/2018	WORK	0	Reduction for not working	8413				
07/01/2018	07/31/2018	FLAT	31	No Comment	8382				
07/01/2018	07/31/2018	STAT	20	No Comment	8362				
07/01/2018	07/31/2018	WORK	0	Reduction for not working	8362				
07/01/2018	07/31/2018	MR_ED_CC	60	College Certificate	8302				
08/01/2018	08/31/2018	FLAT	31	No Comment	8271				
08/01/2018	08/31/2018	STAT	20	No Comment	8251				
08/01/2018	08/31/2018	WORK	0	Reduction for not working	8251				
09/01/2018	09/30/2018	FLAT	30	No Comment	8221				
09/01/2018	09/30/2018	STAT	20	No Comment	8201				
09/01/2018	09/30/2018	WORK	10	No Comment	8191				
10/01/2018	10/31/2018	FLAT	31	No Comment	8160				
10/01/2018	10/31/2018	STAT	20	No Comment	8140				
10/01/2018	10/31/2018	WORK	10	No Comment	8130				
11/01/2018	11/30/2018	FLAT	30	No Comment	8100				
11/01/2018	11/30/2018	STAT	20	No Comment	8080				
11/01/2018	11/30/2018	WORK	10	No Comment	8070				
12/01/2018	12/31/2018	FLAT	31	No Comment	8039				
12/01/2018	12/31/2018	STAT	20	No Comment	8019				
12/01/2018	12/31/2018	WORK	10	No Comment	8009				
01/01/2019	01/31/2019	FLAT	31	No Comment	8078				
01/01/2019	01/31/2019	STAT	20	No Comment	8058				

The PED is the "Projected Expiration Date," as such it is a projected date, and should only be determined on an annual basis. When RDCS still have determined the actual release date, the offender's release is projected and not confirmed. Release in blue means offender has been released.

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Offender: BARRAL, DUSTIN - 0001108615									
Sentence: 3 Count: 1									
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Rele Dt	MAX Term	Days Owed	PED	PEAD	Status	
AG_181200_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	06/16/2028	A	
From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining				
01/01/2019	01/31/2019	WORK	10	No Comment	5948				
01/01/2019	01/31/2019	MR_CP_SLP	30	Structured Living Basic Training ALPHA	5918				
02/01/2019	02/28/2019	FLAT	28	No Comment	5890				
02/01/2019	02/28/2019	STAT	20	No Comment	5870				
02/01/2019	02/28/2019	WORK	10	No Comment	5860				
03/01/2019	03/31/2019	FLAT	31	No Comment	5829				
03/01/2019	03/31/2019	STAT	20	No Comment	5809				
03/01/2019	03/31/2019	WORK	10	No Comment	5798				
03/01/2019	03/31/2019	MR_CP_SLP	30	Structured Living Basic Training BRAVO	5768				
04/01/2019	04/30/2019	FLAT	30	No Comment	5738				
04/01/2019	04/30/2019	STAT	20	No Comment	5718				
04/01/2019	04/30/2019	WORK	10	Reduction for not working	5708				
05/01/2019	05/31/2019	FLAT	31	No Comment	5678				
05/01/2019	05/31/2019	STAT	20	No Comment	5658				
05/01/2019	05/31/2019	WORK	10	No Comment	5648				
06/01/2019	06/30/2019	FLAT	30	No Comment	5618				
06/01/2019	06/30/2019	STAT	20	No Comment	5598				
06/01/2019	06/30/2019	WORK	10	Reduction for not working	5588				
07/01/2019	07/31/2019	FLAT	31	No Comment	5557				
07/01/2019	07/31/2019	STAT	20	No Comment	5537				
07/01/2019	07/31/2019	WORK	10	No Comment	5527				
08/01/2019	08/31/2019	FLAT	31	No Comment	5496				
08/01/2019	08/31/2019	STAT	20	No Comment	5476				
08/01/2019	08/31/2019	WORK	10	No Comment	5466				
09/01/2019	09/30/2019	FLAT	30	No Comment	5436				
09/01/2019	09/30/2019	STAT	20	No Comment	5416				
09/01/2019	09/30/2019	WORK	10	No Comment	5406				
09/01/2019	09/30/2019	MR_CP_SLP	30	Structured Living Basic Training CHARLIE	5376				
10/01/2019	10/31/2019	FLAT	31	No Comment	5346				
10/01/2019	10/31/2019	STAT	20	No Comment	5326				
10/01/2019	10/31/2019	WORK	10	No Comment	5316				
10/01/2019	10/31/2019	MR_VC_HO	60	Plant and Science Horticulture	5285				
10/01/2019	10/31/2019	MR_JS_SRS	30	Self-Safe Manager	5225				
11/01/2019	11/30/2019	FLAT	30	No Comment	5195				
11/01/2019	11/30/2019	STAT	20	No Comment	5175				
11/01/2019	11/30/2019	WORK	10	No Comment	5165				
12/01/2019	12/31/2019	FLAT	31	No Comment	5134				
12/01/2019	12/31/2019	STAT	20	No Comment	5114				
12/01/2019	12/31/2019	WORK	10	No Comment	5104				
01/01/2020	01/31/2020	FLAT	31	No Comment	5073				
01/01/2020	01/31/2020	STAT	20	No Comment	5053				
01/01/2020	01/31/2020	WORK	10	No Comment	5043				
02/01/2020	02/29/2020	FLAT	29	No Comment	5014				

The PED is the "Projected Expiration Date," as such it is a projected date, and should only be determined on an annual basis. When RDCS still have determined the actual release date, the offender's release is projected and not confirmed. Release in blue means offender has been released.

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RECEIVED

JUL 21 2022

Offender: BARRAL, DUSTIN - 0001108615									
Sentence: 3 Count: 1									
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Rele Dt	MAX Term	Days Owed	PED	PEAD	Status	
AG_181200_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	06/16/2028	A	
From Date	To Date	Adjust Code	Adjust Days	Comments					Days Remaining
02/01/2020	02/29/2020	STAT	20	No Comment					4568
02/01/2020	02/29/2020	WORK	10	No Comment					4584
03/01/2020	03/31/2020	FLAT	31	No Comment					4053
03/01/2020	03/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4948
03/01/2020	03/31/2020	STAT	20	No Comment					4928
03/01/2020	03/31/2020	WORK	10	No Comment					4918
04/01/2020	04/30/2020	FLAT	30	No Comment					4888
04/01/2020	04/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4893
04/01/2020	04/30/2020	STAT	20	No Comment					4863
04/01/2020	04/30/2020	WORK	10	No Comment					4853
05/01/2020	05/31/2020	FLAT	31	No Comment					4822
05/01/2020	05/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4817
05/01/2020	05/31/2020	STAT	20	No Comment					4797
05/01/2020	05/31/2020	WORK	10	No Comment					4787
06/01/2020	06/30/2020	FLAT	30	No Comment					4757
06/01/2020	06/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4752
06/01/2020	06/30/2020	STAT	20	No Comment					4732
06/01/2020	06/30/2020	WORK	10	No Comment					4722
07/01/2020	07/31/2020	FLAT	31	No Comment					4691
07/01/2020	07/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4686
07/01/2020	07/31/2020	STAT	20	No Comment					4666
07/01/2020	07/31/2020	WORK	10	No Comment					4656
08/01/2020	08/31/2020	FLAT	31	No Comment					4625
08/01/2020	08/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4620
08/01/2020	08/31/2020	STAT	20	No Comment					4600
08/01/2020	08/31/2020	WORK	10	No Comment					4590
09/01/2020	09/30/2020	FLAT	30	No Comment					4580
09/01/2020	09/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4655
09/01/2020	09/30/2020	STAT	20	No Comment					4535
09/01/2020	09/30/2020	WORK	10	No Comment					4525
09/07/2020	10/13/2020	MR_VC_CP	60	Computers					4465
10/01/2020	10/31/2020	FLAT	31	No Comment					4434
10/01/2020	10/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4429
10/01/2020	10/31/2020	STAT	20	No Comment					4409
10/01/2020	10/31/2020	WORK	10	No Comment					4389
10/13/2020	10/26/2020	MR_VC_ACP	60	Advanced Computers					4339
10/13/2020	12/07/2020	MR_VC_IWE	60	Introduction to Web Design					4279
11/01/2020	11/30/2020	FLAT	30	No Comment					4249
11/01/2020	11/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4244
11/01/2020	11/30/2020	STAT	20	No Comment					4224
11/01/2020	11/30/2020	WORK	10	No Comment					4214
12/01/2020	12/31/2020	FLAT	31	No Comment					4183
12/01/2020	12/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954					4178

Offender: BARRAL, DUSTIN - 0001108615									
Sentence: 3 Count: 1									
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Ratio Dt	MAX Term	Days Owed	PED	PEXD	Status	
AG_181260_3	09/18/2017	1574	05/28/2013	28y 0m 0d	9496	09/27/2023	06/16/2026	A	
From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining				
01/01/2022	01/31/2022	MR_SV_EC	60	Exceptional Merit: GPA 3.87	3232				
01/01/2022	01/31/2022	STAT	20	No Comment	3212				
01/01/2022	01/31/2022	WORK	10	No Comment	3202				
02/01/2022	02/28/2022	FLAT	28	No Comment	3174				
02/01/2022	02/28/2022	STAT	20	No Comment	3154				
02/01/2022	02/28/2022	WORK	10	No Comment	3144				
02/22/2022	04/07/2022	MR_CP_VI	30	Victim Impact Ustien and Learn	3114				
03/01/2022	03/31/2022	FLAT	31	No Comment	3083				
03/01/2022	03/31/2022	STAT	20	No Comment	3063				
03/01/2022	03/31/2022	WORK	10	No Comment	3053				
04/01/2022	04/30/2022	FLAT	30	No Comment	3023				
04/01/2022	04/30/2022	STAT	20	No Comment	3003				
04/01/2022	04/30/2022	WORK	10	No Comment	2993				
05/01/2022	05/31/2022	FLAT	31	No Comment	2962				
05/01/2022	05/31/2022	STAT	20	No Comment	2942				
05/01/2022	05/31/2022	WORK	10	Reduction for not working	2932				
06/01/2022	06/30/2022	FLAT	30	No Comment	2902				
06/01/2022	06/30/2022	STAT	20	No Comment	2882				
06/01/2022	06/30/2022	WORK	10	Reduction for not working	2872				
07/01/2022	07/31/2022	FLAT	31	No Comment	2841				
07/01/2022	07/31/2022	STAT	20	No Comment	2821				
07/01/2022	07/31/2022	WORK	10	No Comment	2811				
08/01/2022	08/31/2022	FLAT	31	No Comment	2780				
08/01/2022	08/31/2022	STAT	20	No Comment	2760				
08/01/2022	08/31/2022	WORK	10	No Comment	2750				
09/01/2022	09/30/2022	FLAT	30	No Comment	2720				
09/01/2022	09/30/2022	STAT	20	No Comment	2700				
09/01/2022	09/30/2022	WORK	10	No Comment	2690				
10/01/2022	10/31/2022	FLAT	31	No Comment	2659				
10/01/2022	10/31/2022	STAT	20	No Comment	2639				
10/01/2022	10/31/2022	WORK	10	No Comment	2629				
11/01/2022	11/30/2022	FLAT	30	No Comment	2599				
11/01/2022	11/30/2022	STAT	20	No Comment	2579				
11/01/2022	11/30/2022	WORK	10	No Comment	2569				
12/01/2022	12/31/2022	FLAT	31	No Comment	2538				
12/01/2022	12/31/2022	STAT	20	No Comment	2518				
12/01/2022	12/31/2022	WORK	10	No Comment	2508				
01/01/2023	01/31/2023	FLAT	31	No Comment	2477				
01/01/2023	01/31/2023	STAT	20	No Comment	2457				
01/01/2023	01/31/2023	WORK	10	No Comment	2447				
02/01/2023	02/28/2023	FLAT	28	No Comment	2419				
02/01/2023	02/28/2023	STAT	20	No Comment	2399				
02/01/2023	02/28/2023	WORK	10	No Comment	2389				

The PED is the Proposed Expiration Date, as such it is a projected date, and should only be considered an approximation of the actual release date. When HDOC staff have determined the actual release date, the offender's release date will be updated. Entries in blue are future dates that have not been named yet.

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Offender: BARRAL, DUSTIN - 0001108615									
Sentence: 3 Count: 1									
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Ratio Dt	MAX Term	Days Owed	PED	PEXD	Status	
AG_181260_3	09/18/2017	1574	05/28/2013	28y 0m 0d	9496	09/27/2023	06/16/2026	A	
From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining				
03/01/2023	03/31/2023	FLAT	31	No Comment	2358				
03/01/2023	03/31/2023	STAT	20	No Comment	2338				
03/01/2023	03/31/2023	WORK	10	No Comment	2328				
04/01/2023	04/30/2023	FLAT	30	No Comment	2298				
04/01/2023	04/30/2023	STAT	20	No Comment	2278				
04/01/2023	04/30/2023	WORK	10	No Comment	2268				
05/01/2023	05/31/2023	FLAT	31	No Comment	2237				
05/01/2023	05/31/2023	STAT	20	No Comment	2217				
05/01/2023	05/31/2023	WORK	10	No Comment	2207				
06/01/2023	06/30/2023	FLAT	30	No Comment	2177				
06/01/2023	06/30/2023	STAT	20	No Comment	2157				
06/01/2023	06/30/2023	WORK	10	No Comment	2147				
07/01/2023	07/31/2023	FLAT	31	No Comment	2116				
07/01/2023	07/31/2023	STAT	20	No Comment	2096				
07/01/2023	07/31/2023	WORK	10	No Comment	2086				
08/01/2023	08/31/2023	FLAT	31	No Comment	2055				
08/01/2023	08/31/2023	STAT	20	No Comment	2035				
08/01/2023	08/31/2023	WORK	10	No Comment	2025				
09/01/2023	09/30/2023	FLAT	30	No Comment	1995				
09/01/2023	09/30/2023	STAT	20	No Comment	1975				
09/01/2023	09/30/2023	WORK	10	No Comment	1965				
10/01/2023	10/31/2023	FLAT	31	No Comment	1934				
10/01/2023	10/31/2023	STAT	20	No Comment	1914				
10/01/2023	10/31/2023	WORK	10	No Comment	1904				
11/01/2023	11/30/2023	FLAT	30	No Comment	1874				
11/01/2023	11/30/2023	STAT	20	No Comment	1854				
11/01/2023	11/30/2023	WORK	10	No Comment	1844				
12/01/2023	12/31/2023	FLAT	31	No Comment	1813				
12/01/2023	12/31/2023	STAT	20	No Comment	1793				
12/01/2023	12/31/2023	WORK	10	No Comment	1783				
01/01/2024	01/31/2024	FLAT	31	No Comment	1752				
01/01/2024	01/31/2024	STAT	20	No Comment	1732				
01/01/2024	01/31/2024	WORK	10	No Comment	1722				
02/01/2024	02/29/2024	FLAT	29	No Comment	1693				
02/01/2024	02/29/2024	STAT	20	No Comment	1673				
02/01/2024	02/29/2024	WORK	10	No Comment	1663				
03/01/2024	03/31/2024	FLAT	31	No Comment	1632				
03/01/2024	03/31/2024	STAT	20	No Comment	1612				
03/01/2024	03/31/2024	WORK	10	No Comment	1602				
04/01/2024	04/30/2024	FLAT	30	No Comment	1572				
04/01/2024	04/30/2024	STAT	20	No Comment	1552				
04/01/2024	04/30/2024	WORK	10	No Comment	1542				
05/01/2024	05/31/2024	FLAT	31	No Comment	1511				

The PED is the Proposed Expiration Date, as such it is a projected date, and should only be considered an approximation of the actual release date. When HDOC staff have determined the actual release date, the offender's release date will be updated. Entries in blue are future dates that have not been named yet.

OSM Report Name: CreditHabitSentRpt Page 10 of 12 Run Date: Wed Jul 13 07:50:31 PDT 2022

JUL 21 2022

Offender: BARRAL, DUSTIN - 0001108615						Sentence: 3		Count: 1	
Current Earned Expiration Date: 05/11/2030									
Case	Sentence Dt	JC	Ratio Dt	MAX Term	Days Owed	PED	PEXD	Status	
AG_181260_3	09/18/2017	1574	05/28/2013	28y 0m 0d	9496	09/27/2023	06/16/2026	A	
From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining				
05/01/2024	05/31/2024	STAT	20	No Comment	1491				
05/01/2024	05/31/2024	WORK	10	No Comment	1481				
06/01/2024	06/30/2024	FLAT	30	No Comment	1451				
06/01/2024	06/30/2024	STAT	20	No Comment	1431				
06/01/2024	06/30/2024	WORK	10	No Comment	1421				
07/01/2024	07/31/2024	FLAT	31	No Comment	1390				
07/01/2024	07/31/2024	STAT	20	No Comment	1370				
07/01/2024	07/31/2024	WORK	10	No Comment	1360				
08/01/2024	08/31/2024	FLAT	31	No Comment	1329				
08/01/2024	08/31/2024	STAT	20	No Comment	1309				
08/01/2024	08/31/2024	WORK	10	No Comment	1299				
09/01/2024	09/30/2024	FLAT	30	No Comment	1269				
09/01/2024	09/30/2024	STAT	20	No Comment	1249				
09/01/2024	09/30/2024	WORK	10	No Comment	1239				
10/01/2024	10/31/2024	FLAT	31	No Comment	1208				
10/01/2024	10/31/2024	STAT	20	No Comment	1188				
10/01/2024	10/31/2024	WORK	10	No Comment	1178				
11/01/2024	11/30/2024	FLAT	30	No Comment	1148				
11/01/2024	11/30/2024	STAT	20	No Comment	1120				
11/01/2024	11/30/2024	WORK	10	No Comment	1110				
12/01/2024	12/31/2024	FLAT	31	No Comment	1087				
12/01/2024	12/31/2024	STAT	20	No Comment	1067				
12/01/2024	12/31/2024	WORK	10	No Comment	1057				
01/01/2025	01/31/2025	FLAT	31	No Comment	1026				
01/01/2025	01/31/2025	STAT	20	No Comment	1006				
01/01/2025	01/31/2025	WORK	10	No Comment	996				
02/01/2025	02/28/2025	FLAT	28	No Comment	966				
02/01/2025	02/28/2025	STAT	20	No Comment	946				
02/01/2025	02/28/2025	WORK	10	No Comment	936				
03/01/2025	03/31/2025	FLAT	31	No Comment	907				
03/01/2025	03/31/2025	STAT	20	No Comment	887				
03/01/2025	03/31/2025	WORK	10	No Comment	877				
04/01/2025	04/30/2025	FLAT	30	No Comment	847				
04/01/2025	04/30/2025	STAT	20	No Comment	827				
04/01/2025	04/30/2025	WORK	10	No Comment	817				
05/01/2025	05/31/2025	FLAT	31	No Comment	786				
05/01/2025	05/31/2025	STAT	20	No Comment	766				
05/01/2025	05/31/2025	WORK	10	No Comment	756				
06/01/2025	06/30/2025	FLAT	30	No Comment	726				
06/01/2025	06/30/2025	STAT	20	No Comment	706				
06/01/2025	06/30/2025	WORK	10	No Comment	696				
07/01/2025	07/31/2025	FLAT	31	No Comment	665				
07/01/2025	07/31/2025	STAT	20	No Comment	645				

EXHIBIT

2

Log Number 2006-31-41123

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Dustin Barral I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT: 1A15B

GRIEVANT'S STATEMENT: On 7/17/22 I liked Ms. Holguen (she taught ReEntry: Getting It Right) what day I was entered for meritorious credit for the ReEntry class. On 7/27 I received my reply from AWP AA Campbell informing me that I got 30 credits for Victim Impact, 60 credits for Exceptional GPA, so no credit for Getting It Right because I met my 90 credit cap for 2022. This is wrong. According to my grievance

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 7/28/22 TIME: 3:00pm
GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 8/1/22 TIME: 11:14 AM

GRIEVANCE RESPONSE: _____

See attached

CASEWORKER SIGNATURE: [Signature] DATE: 8/11/2022

☐ GRIEVANCE UPHELD ☒ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: [Signature] DATE: 9/6/22

☐ INMATE AGREES ☒ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 9/13/22

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED
AUG 01 2022
LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barral I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: 2006-31-4123 GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

#2006-31-38247, I requested that my Exceptional G.P.A be coded under NRS 209.4465(5) so it does not count against my 90 meritorious credit limit, LCC agreed with me and gave me the credit. If LCC did not refuse this should be in agreeing with my grievance that Exceptional G.P.A for my 2nd College Certificate should not count against my 90 meritorious credit limit, and my RetEntry: Getting It Right should be credited to my expiration.

Remedies:

- ① No retaliation for this grievance: no random bed moves for me or my cellie, no random cell searches, no institutional moves, no firing me from my job
- ② Fix Exceptional G.P.A credit to reflect coding under NRS 209.4465(5) so it does not count against 90 credit limit, as agreed in grievance #2006-31-38247
- ③ Resubmit me for meritorious credit for RetEntry: Getting It Right which was completed on June 20th, 2022.

RECEIVED

Original: Attached to Grievance
Pink: Inmate's Copy

AUG 01 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES



State of Nevada
Department of Corrections

1A-15B

INMATE GRIEVANCE REPORT

ISSUE ID# 20063141123

ISSUE DATE: 08/01/2022

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO
BARRAL, DUSTIN JAMES	1108615	RTRN_INF	GWATERS

LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	09/07/2022	5	Denied	JACHANDLER	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate Barral, Dustin #1108615,

I am in receipt of your informal grievance #2006-31-41123 as it relates to the 60-merit credit for Exceptional Credit for a high GPA counting against the 90-merit credit cap for a calendar year and you being denied merit credit for Getting it Right. You further claim that the exceptional credit should be coded differently (NRS 209.4465) so that it doesn't count against your 90 meritorious credit limits. Your remedy is to fix the exceptional GPA so that it is coded under NRS 209.4465 (5) and it does not count against your 90-day meritorious credit limit, no retaliation from C/O's or staff for filing this grievance and re-submit you for meritorious credit for Re-entry: Getting it Right which was completed on June 20, 2022.

This issue has been reviewed at length to include NRS 209.4465 and AR 803 (Nevada Department of Corrections Credit Awards. It has been determined you are incorrect in stating that your exceptional credit is excluded from the 90-merit credit cap. Per NRS 209.4465 (5) ?The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious credit.? Also as noted in AR 803.1 #4 ?Per the requirements of NRS 209.446, 209.4465 and 209.449, the Director has discretion to award meritorious service and achievement credits. (B) Exceptional meritorious service credits awarded under authority of NRS 209.446 and 209.4465 cannot exceed 90 credits per year.?

Your grievance is denied in its entirety as the merit credit has been posted correctly and you will not be re-submitted for merit credit for the Getting It Right Program as you have reached the 90-merit credit cap for 2022..

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: SEP-07-22 09:13 AM

Page 1 of 1

Log Number 2006-31-41123

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Dustin Barreal I.D. NUMBER: 1108615
INSTITUTION: LCC UNIT: 1A15B

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063141123, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 9/14/22

WHY DISAGREE: The response fails to look at or mention my Inmate Grievance Report from grievance # 20063138247. In the grievance 20063138247 I requested that the Exceptional G.P.A be coded under NRS 209.4465(5). The grievance was UPHOLD so LCC is in direct violation of their agreement with myself in grievance 20063138247. LCC cannot backout of an implied and written agreement

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9-15-2022

FIRST LEVEL RESPONSE: _____

See Attached

☒ GRIEVANCE UPHOLD ☐ GRIEVANCE DENIED ☐ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: Warden DATE: 1/10/23

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1/16/23

☒ INMATE AGREES ☐ INMATE DISAGREES

INMATE SIGNATURE: [Signature] DATE: 1/16/23

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Dustin Barral I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: 20063141123 GRIEVANCE LEVEL: 1st Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

just because it doesn't suit them. The grievance was upheld so it must be honored by LCC.

Remedies: (same as original, plus one addition)

① No retaliation for this grievance: no random bed moves for me or my celly, no random cell searches, no institutional moves, no firing me from my job

② Fix Exceptional G.P.A credit to reflect coding under NRS 209.4465(5) so it doesn't count against 90 credit limit, as agreed in grievance # 2006-31-38247

③ Resubmit me for meritorious credit for ReEntry: Getting It Right which was completed 6/20/22.

^{new} ④ Resubmit Exceptional G.P.A credit for my 1st Assoc. Degree and code it under NRS 209.4465(5) so it doesn't qualify/count against the 90 credit limit, seeing as it was agreed to one so it should be applied to the other since they are the same.

Original: Attached to Grievance
Pink: Inmate's Copy



State of Nevada
Department of Corrections

1A-15B

INMATE GRIEVANCE REPORT

ISSUE ID# 20063141123

ISSUE DATE: 08/01/2022

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO
BARRAL, DUSTIN JAMES	1108615	RTRN_L1	TGARRETT

LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	01/09/2023	5	Denied	JACHANDLER	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Offender Barral, Dustin #1108615,

I am in receipt of your first level grievance #2006-31-41123 as it relates to the 60-merit credit for Exceptional Credit for a high GPA counting against the 90-merit credit cap for a calendar year and you being denied merit credit for Getting it Right. You further claim that the exceptional credit should be coded differently (NRS 209.4465) so that it doesn't count against your 90 meritorious credit limits. Your remedy is to fix the exceptional GPA so that it is coded under NRS 209.4465 (5), and it does not count against your 90-day meritorious credit limit, no retaliation from C/O's or staff for filing this grievance and re-submit you for meritorious credit for Re-entry: Getting it Right which was completed on June 20, 2022.

You were answered appropriately at the previous level. This issue has again been reviewed at length to include NRS 209.4465 (Credits for offender sentences for crime committed on or after July 17, 1997) and AR 803 (Nevada Department of Corrections Credit Awards). It has again been determined you are incorrect in stating that your exceptional credit is excluded from the 90-merit credit cap. Per NRS 209.4465 (5) ?The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious credit. ? Also as noted in AR 803.01(4) ?Per the requirements of NRS 209.446, 209.4465 and 209.449, the Director has discretion to award meritorious service and achievement credits. (B) Exceptional meritorious service credits awarded under authority of NRS 209.446 and 209.4465 cannot exceed 90 credits per year.?

Your grievance is denied in its entirety as the merit credit has been posted correctly and you will not be re-submitted for merit credit for the Getting It Right Program as you have reached the 90-merit credit cap for 2022.

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: JAN-09-23 11:08 AM

Page 1 of 1

12/9/12
12/12

LOG NUMBER: _____

**NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE**

NAME: Dustin Barzal I.D. NUMBER: 11061015

INSTITUTION: LCC UNIT: IAISR

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063141123, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: [Signature] DATE: 12/8/12

WHY DISAGREE: LCC has failed to respond to my 1st level Grievance in the allotted time. I even gave LCC an extension of 30 days to respond and he refused to the 1st level but no response. LCC refuses to respond to my grievance and in a court of law my grievance is an admission of guilt. LCC refuses to answer me because they are without authority they

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

SECOND LEVEL RESPONSE: _____

____ GRIEVANCE UPHeld ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE SIGNATURE: _____ DATE: _____

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Dustin Barnd I.D. NUMBER: 1108615

INSTITUTION: LCC UNIT #: 1A15B

GRIEVANCE #: 20063141123 GRIEVANCE LEVEL: 2nd Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

are wrong and I am right. If I was in the wrong a response
would've been provided in the timeframe allotted. Because I'm
right and LCC does not want to provide me with what I've earned
they refuse to follow the rules and respond to my grievance. If
documents are needed contact LCC for Informal and 1st level
grievances.

All remedies are the same as in the Informal and 1st
Level grievances

Original:
Pink:

Attached to Grievance
Inmate's Copy

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Dustin Barrial	1108615	1A15B	7/17/22

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input checked="" type="checkbox"/> OTHER <u>Ms. Helgen Admin</u>	

5.) NAME OF INDIVIDUAL TO CONTACT: Ms. Helgen AWP AA - C. Campbell

6.) REQUEST: (PRINT BELOW) Can you please tell me on what day I was entered in for meritorious credit for ReEntry: Getting It Right ?

7.) INMATE SIGNATURE [Signature] DOC # 1108615

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

Victim Impact 30 credits

Exceptional Credit GPA 3.87 60 credits

90 credit cap met for 2022

Getting It Right 0 credits

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AUG 01 2022
LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

10.) RESPONDING STAFF SIGNATURE [Signature] DATE 7-26-2022

EXHIBIT

3



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

U1A 15B

ISSUE ID# 20063138247

ISSUE DATE: 06/08/2022

INMATE NAME		NDOC ID	TRANSACTION TYPE		ASSIGNED TO
BARRAL, DUSTIN JAMES		1108615	RTRN_INF		GWATERS
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	07/14/2022	5	Granted	VCAMPBELL	A

INMATE COMPLAINT

OFFICIAL RESPONSE

Inmate Barral, Dustin #1108615,
I am in receipt of your informal grievance #2006-31-38247 as it relates to you being denied merit credit for completing a Certificate of Achievement-Business Emphasis from Great Basin College and Exceptional Credit that you were submitted for on or around 2/17/2022. You further state that NRS 209.4465 clearly allows for more than one college certificate and that it does not put a limit on it like is being done in your case. Your remedy is to have the credit re-entered and applied to your sentence structure, make sure the exceptional GPA is coded under NRS 209.4465 (5) so that it does not count against your 90-day meritorious credit limit, no retaliation from C/O's or staff for filing this grievance and change any AR's or OP's if they do not follow the guidelines set forth in NRS 209.4465. This issue has been reviewed at length to include NRS 209.4465, AR 803 (Nevada Department of Corrections Credit Awards), and a discussion with the NDOC Education Department. It has been determined that you are correct in that there is no limit regarding educational credits, whether secondary or post-secondary per NRS 209.4465 and AR 803. The request for merit credit to be awarded for your Certificate of Achievement-Business Emphasis from Great Basin College and Exceptional Credit has been resubmitted to the NDOC's Educational Department for their review and/or posting to your sentence structure.
Grievance upheld.

RECEIVED

AUG 01 2022

LOVELOCK CORRECTIONAL
CENTER - GRIEVANCES

GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.4
Run Date: JUL-14-22 08:46 AM

Page 1 of 1

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Petitioner,

vs.

TIM GARRETT, WARDEN LLC,

Respondent.

AFFIDAVIT OF MAILING

I, Susan L. Bame, being first duly sworn, depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interest in, the within action; that I am a Legal Assistant of the 11th Judicial District Court and that I caused to be served, a copy of the ORDER TO RESPOND, PETITION FOR WRIT OF HABEAS CORPUS and SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF HABEAS CORPUS by U.S. Postal Service, by enclosing in a sealed envelope with first class prepaid postage, addressed to:

Heather D. Proctor
Chief Deputy Attorney General
Post-Conviction Division
Office of the Attorney General

1 100 North Carson Street
2 Carson City, NV 89701-4717

3 DATED this 31st day of March, 2023.

4 /s/ S.L. Bame

5 Susan L. Bame
6 Legal Assistant
7 11th Judicial District Court

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Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**NOTICE OF APPEARANCE FOR
RESPONDENTS**

The State of Nevada, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, hereby notifies the Court and respective parties to this action that Deputy Attorney General JOHN C. DORAME has assumed responsibility for representing the interests of the named respondent, the Attorney General of the State of Nevada, and the interests of the State of Nevada in the above-entitled action.

Attorney General Aaron D. Ford should be removed from notices on this case and all future pleadings and notices should be directed to the undersigned counsel.

RESPECTFULLY SUBMITTED this 19th day of April, 2023.

By: /s/ John C. Dorame
JOHN C. DORAME (Bar No. 10029)
Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
Telephone: (775) 684-1261
Fax: (775) 684-1108
JDorame@ag.nv.gov
Attorney for Respondent

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 19th day of
3 April, 2023, I served a copy of the foregoing **NOTICE OF APPEARANCE OF RESPONDENTS**, by
4 placing said document in the U.S. Mail, postage prepaid, addressed to:

5 Dustin Barral #1108615
6 c/o Lovelock Correctional Center
7 1200 Prison Road
8 Lovelock, NV 89419

9 /s/ Carrie L. Crago

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Petitioner,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**NOTICE OF CHANGE OF ATTORNEY FOR
RESPONDENTS**

The State of Nevada, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, hereby notifies the Court and respective parties to this action that Chief Deputy Attorney General, HEATHER D. PROCTER has assumed responsibility for representing the interests of the named respondent, the Attorney General of the State of Nevada, and the interests of the State of Nevada in the above-entitled action.

Deputy Attorney General JOHN C. DORAME is no longer responsible for the handling of this case and should be removed from this Court's docket as counsel of record and removed from CMECF notices for this case.

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1 Due to this change, please direct all future pleadings and contact by either court personnel or
2 petitioner to Chief Deputy Attorney General HEATHER D. PROCTER.

3 RESPECTFULLY SUBMITTED this 1st day of May,2023.

4 AARON D. FORD
Attorney General

5 By: /s/ Heather D. Procter
6 HEATHER D. PROCTER (Bar No. 8621)
7 Chief Deputy Attorney General
8 State of Nevada
9 Office of the Attorney General
10 100 North Carson Street
11 Carson City, Nevada 89701-4717
12 (775) 684-1271
13 (775) 684-1108
14 hprocter@ag.nv.gov
15
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21
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 1st day of
3 May, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **NOTICE OF**
4 **CHANGE OF ATTORNEY FOR RESPONDENTS**, to the following:

5 Dustin Barral # #1108615
6 c/o Lovelock Correctional Center
7 1200 Prison Road
8 Lovelock, NV 89419

9 /s/ Carrie L. Crago

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**WARDEN TIM GARRETT'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO
PETITION AND SUPPLEMENTAL
PETITION FOR WRIT OF HABEAS
CORPUS (FIRST REQUEST)**

Respondent Warden Tim Garrett (Warden Garret), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, moves this Court for an order granting a twenty-one (21) day extension of time, or up to and including May 22, 2023, to file and serve a response to Petitioner Dustin Barral's (Barral) petition for writ of habeas corpus and supplemental petition in which he challenges the computation of his sentence credits by the Nevada Department of Corrections (NDOC) and/or Lovelock Correctional Center (LCC). This motion is based upon the provisions of Nevada Rule of Civil Procedure 6(b)(1)(B) and FJDCR Rule 3.17.

This is Warden Garrett's first request for an extension of time to file his response and makes this motion in good faith and not for the purpose of any unnecessary delay.

POINTS AND AUTHORITIES

I. CERTIFICATION OF COUNSEL

Counsel did not confer with Barral prior to filing the foregoing motion for extension of time given Barral is currently incarcerated.

II. INTRODUCTION AND ISSUE STATEMENT

Barral filed his Petition for Writ of Habeas Corpus on February 21, 2023, and Supplemental Petition on March 28, 2023. This Court ordered Warden Garrett to respond. The response to the petition

1 is due May 1, 2023. Warden Garrett requires an extension of twenty-one (21) days to file the response
2 to the motion.

3 **III. FACTS AND PROCEDURAL HISTORY**

4 Barral is an inmate in the lawful custody of the NDOC. He filed a petition and supplemental
5 petition challenging the calculation of time credits by NDOC and LCC, including that the entities treat
6 days and credits differently, and seeking full days for ten separate meritorious, educational and/or
7 program courses. Petition at 1-2; Supplemental Petition at 1-5. In order to file an appropriate response,
8 undersigned counsel for Warden Garrett requires additional time to confer with NDOC representatives
9 regarding Barral's time credits.

10 **IV. DISCUSSION**

11 Pursuant to FJDCR Rule 3.20(a), a motion "to extend a deadline must be filed as soon as
12 possible and before the expiration of the subject deadline." Warden Garrett attaches the declaration of
13 counsel with the Nevada Attorney General's Office explaining the need for this extension due to
14 required conversations with NDOC. *See* FJDCR Rule 3.20(c). Warden Garrett requests a twenty-one
15 (21) day extension of time to permit sufficient time to respond to the petition and supplemental petition
16 for writ of habeas corpus challenging the calculation of time.

17 **V. CONCLUSION**

18 Warden Garrett asks this Court to grant Warden Garrett twenty-one (21) day extension of time
19 to respond to the Petition for Writ of Habeas Corpus.

20 RESPECTFULLY SUBMITTED this 1st day of May, 2023.

21 AARON D. FORD
22 Attorney General

23 By: /s/ Heather D. Procter
24 HEATHER D. PROCTER (Bar No. 8621)
25 Chief Deputy Attorney General
26 State of Nevada
27 Office of the Attorney General
28 100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1271
(775) 684-1108
hprocter@ag.nv.gov

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**DECLARATION OF COUNSEL IN
SUPPORT OF RESPONDENT WARDEN
GARRETT'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO PETITION AND
SUPPLEMENTAL PETITION FOR WRIT OF
HABEAS CORPUS (FIRST REQUEST)**

I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am the Chief Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondent Warden Garrett's motion for extension of time.

2. I have nearly completed my draft answer to Barral's petition and supplemental petition. However, I am waiting on a NDOC representative to sign a declaration addressing the issues in Barral's petitions in order to finalize my response and to provide the declaration as an exhibit. I provided the NDOC an initial draft declaration on Thursday, April 27, 2023, to amend as they saw fit. I have not heard back from NDOC as of this filing.

3. The current deadline to file Warden Garrett's response to the petition and supplemental petition is May 1, 2022. This is my first request for an extension.

4. Once I have an opportunity to consult with the NDOC once again, I will file the answer and NDOC declaration with this Court. As I do not know when that consultation may occur, I have requested twenty-one (21) days to provide sufficient time for both the NDOC to research and respond to my inquiries, and for me to complete my answer. This will also serve to accommodate my current deadlines in

both state and federal court, as well as current work on multiple bills before the Nevada Legislature, many of which have hearings scheduled in either the Judiciary Committee or before the respective Finance Committees over the next few weeks.

5. This motion for extension of time is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

Pursuant to NRS 53.045, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

/s/ Heather D. Procter
HEATHER D. PROCTER

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 1st day of
3 May, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **WARDEN**
4 **TIM GARRETT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITION AND**
5 **SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST)**, to the
6 following:

7 Dustin Barral # #1108615
8 c/o Lovelock Correctional Center
9 1200 Prison Road
10 Lovelock, NV 89419

11 /s/ Amanda White
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Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**ORDER GRANTING WARDEN TIM
GARRETT'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO PETITION AND
SUPPLEMENTAL PETITION FOR WRIT OF
HABEAS CORPUS (FIRST REQUEST)**

THIS MATTER comes before the Court on Respondent Warden Tim Garrett's (Warden Garrett) motion to extend the time to respond to petitioner Dustin Barral's (Barral) petition and supplemental petition for writ of habeas corpus challenging the calculation of time. Having reviewed all pleadings, motions, documents, and exhibits on file, and finding Warden Garrett's motion for extension of time made in good faith and not for purposes of delaying this matter, the Court grants the motion.

The Court deeming itself fully informed,

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1 IT IS HEREBY ORDERED that the Warden Tim Garrett's Motion for Extension of Time to
2 Respond to Petition and Supplemental Petition for Writ of Habeas Corpus is **GRANTED**. Warden
3 Garrett's response to Barral's petition and supplemental petition for writ of habeas corpus will be due
4 May 22, 2023.

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12
13 Submitted by:

14 Dated this 1st day of May, 2023.

15 /s/ Heather D. Procter

16 Heather D. Procter
17 Chief Deputy Attorney General
18 State of Nevada
19 Office of the Attorney General
100 North Carson Street
20 Carson City, NV 89701-4717
(775) 684-1271 (phone)
(775) 684-1108 (fax)
21 hprocter@ag.nv.gov
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL VS TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

AFFIDAVIT OF MAILING

I, Adriana Ramos, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of ORDER GRANTING WARDEN TIM GARRETT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (FIRST REQUEST) that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Nevada Attorney General's Office
Electronic Service

DATED this 5th day of May 2023.

KATE MARTIN
CLERK OF THE COURT
By: /s/ Adriana Ramos

1 Case No. 27CV-WR1-2023-0059

2 Pursuant to NRS 239B.030, the undersigned affirms that this document does
3 not contain any social security numbers.
4

5 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF PERSHING
7

8 Dustin Barral,
9 Plaintiff,

MOTION FOR ENTRY OF DEFAULT

10 v.

11 Tim Garrett, Warden LLC,
12 Respondent.

13 COMES NOW, Plaintiff, Dustin Barral, in prose, petitions this Court
14 to grant his MOTION FOR ENTRY OF DEFAULT.

15 As per rule 3.26 Default Judgment of the 11th Judicial District Court Rules,
16 the Plaintiff is seeking the clerk of the court / this Court to grant him an
17 entry of default as a prelude to seeking a default judgment. On 3/17/23 this
18 Court ordered the Respondent / Attorney General's Office to respond / summoned to my
19 filing in 45 days. They had until 5/1/23 to respond and have failed to respond.
20 Thus they have defaulted.

21 Dated this 4 day of May, 2023.
22

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28


Dustin Barral #1108615
LCC


1200 Prison Rd
Lovelock, NV 89419
Plaintiff in Pro Se

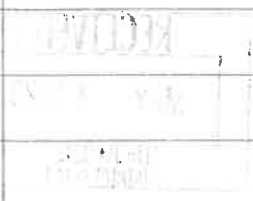
CERTIFICATE OF SERVICE

I certify that I mailed a true and correct copy of the foregoing Motion
For Entry of Default on 4 day of May, 2023, to the
following address(es) pursuant to NRC 5(b):

Warden Tim Garrett	NV Attorney General
LCC	100 N. Carson St.
1200 Prison Rd	Carson City, NV 89701
Loveock, NV 89419	

Dated this 4 day of May, 2023.

	
	Dustin Barcal #11086015
	LCC
	1200 Prison Rd
	Loveock, NV 89419
	Plaintiff in Pro Se



Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN JAMES BARRAL,

Petitioner;

vs.

TIM GARRETT, WARDEN LOVELOCK
CORRECTIONAL CENTER,

Respondent.

CERTIFICATE

State of Nevada)
 : ss.
County of Pershing)

I, Kimberly Torres, Clerk of the Court, do hereby certify that the following are true and correct copies of the original documents in the above-entitled case, which was appealed to the Supreme Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 29th day of August 2023.

KATE MARTIN
Eleventh Judicial District Court Clerk

By: Kimberly Torres
Deputy Clerk

**ELEVENTH JUDICIAL
DISTRICT COURT**

Jim C. Shirley
District Judge
Tel. (775) 273-2410
Fax (775) 273-4921



Kate Martin
Court Administrator
Tel. (775) 273-2410
kmartin@11thjudicialdistrictcourt.net

August 29, 2023

Elizabeth Brown
Supreme Court Clerk
201 South Carson Street
Carson City, NV 89701-4702

Re: Notice of Appeal / 27CV-WR1-2023-0059
Dustin J. Barral v Tim Garrett, Warden LLC

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on August 22, 2023.

Should you have any questions or require additional information, please do not hesitate to contact the Court.

KATE MARTIN
Eleventh Judicial District Court Clerk

By: Kimberly Torres
Deputy Clerk

KM/kt
Encl.

☒ **Pershing County**
P.O. Box H
Lovelock, NV 89419
Tel. (775) 273-2410
Fax: (775) 273-2434

☐ **Lander County**
50 State Route 305
Battle Mountain, NV 89820
Tel. (775) 635-1332
Fax: (775) 635-0394

☐ **Mineral County**
P.O. Box 1450
Hawthorne, NV 89415-0400
Tel. (775) 945-0738
Fax: (775) 945-0706

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN J. BARRAL,

Appellant,

vs.

TIM GARRETT, WARDEN LOVELOCK

CORRECTIONAL CENTER,

Respondent.

RECORD ON APPEAL

PLEADINGS

VOLUME 2

Dustin Barral #1108615
1200 Prison Road
Lovelock, Nv 89419
Appellant, In Pro Per/Attorney

Heather Procter
Chief Deputy Attorney General
100 North Carson Street
Carson City, Nv 89701
Attorney for Respondents

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Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**WARDEN TIM GARRETT'S ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS AND SUPPLEMENTAL PETITION
CHALLENGING COMPUTATION OF TIME**

Respondent, Warden Tim Garrett (Warden Garrett), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, answers Petitioner Dustin Barral's (Barral) petition for writ of habeas corpus and supplemental petition in which he challenges the computation of his sentence credits by the Nevada Department of Corrections (NDOC) and/or Lovelock Correctional Center (LCC). The NDOC properly calculated and applied Barral's days and credits. This answer is based on the following points and authorities, the attached exhibits, and all papers and pleadings on file.

POINTS AND AUTHORITIES

I. INTRODUCTION AND ISSUE STATEMENT

Barral presents a petition for writ of habeas corpus and a supplemental petition in which he challenges the NDOC and/or LCC's computation of his sentence pursuant to NRS 34.724(2)(c). Petition at 1; Supplemental Petition at 1. In his petition, Barral alleged NDOC and LCC failed to provide him with the full amount of days earned pursuant to NRS 209.4465. Petition at 2. He specifically referenced earning two College Certificates, three Associate's Degrees, and Exceptional GPA Days. He argued meritorious credit meant if he earned 60 credits it equaled 30 days off his expiration date, when NRS 209.4465 specified that days are given for such accomplishments. *Id.*

///

1 The claims in the petition are largely conclusory as Barral failed to provide any specific arguments.
2 This Court filed Barral's petition on February 21, 2023.

3 On March 17, 2023, this Court ordered a response to the petition.

4 In his supplemental petition, Barral provided details as to his claims. Specifically, he alleges,
5 first, that he earned days pursuant to NRS 209.4465, not meritorious credit, which are not treated the
6 same, as NDOC and LCC calculate meritorious credits as "1/2 x # of meritorious credit = total number
7 of days off of expiration, and a 24 hour period must come off the inmate's sentence." Supplemental
8 Petition at 2. Second, Barral alleges the NDOC and LCC improperly posted meritorious credits instead
9 of days and incorrectly calculated the same, because he did not receive the total approved days off his
10 sentence, and his total sentence was not reduced by the total number of days earned; every inmate
11 automatically receives 40% off their sentence, referred to as "good time credit;" if an inmate works,
12 programs and earns educational achievements which reduce his expiration date, NDOC fails to predict
13 those, so they cannot be counted in the 40% good time credits; and he specifies nine educational,
14 meritorious and/or program credits for which he alleges the NDOC and LCC still owe him days. *Id.* at
15 2-5. This Court filed the supplemental petition on March 28, 2023.

16 Warden Garrett responds to both the petition and supplemental petition. Warden Garrett's
17 answer presents the following issue: Whether the NDOC properly applied both credits and days to
18 Barral's sentence for ten separate meritorious credits/educational credits/program courses referred to by
19 Barral. Warden Garrett will show the Court should answer the question affirmatively, to the extent
20 Barral did earn such credits, and deny the petition and supplemental petition on the merits.

21 **II. FACTS AND PROCEDURAL HISTORY**

22 Barral is an inmate in the lawful custody of the NDOC, assigned to LCC, pursuant to a
23 judgment of conviction by the Eighth Judicial District Court in Case No. C-10-269096-1. Exhibits A, C.
24 The court adjudged Barral guilty of Count 1, attempt sexual assault with a minor under fourteen years
25 of age; and Count 2, child abuse, neglect or endangerment, both category B felonies. *Id.* The court
26 sentenced Barral on Count 1 to 96-240 months, and on Count 2 to a consecutive term of 28-72 months,
27 for an aggregated total of 124-312 months, along with lifetime supervision. *Id.* Barral committed his

28 ///

1 crimes on or about July 2010. Exhibit B. His projected parole eligibility is September 27, 2023, and
2 projected expiration date is January 17, 2026. Exhibit D.

3 First, LCC does not apply credits/days to an inmate's sentence; that is the province of the
4 NDOC. Second, under state law, credits and days are used interchangeably both within NRS 209.4465
5 and case law. The NDOC properly applied the credits/days challenged by Barral, and he received the
6 full days/credits earned and which were approved. Barral is correct that his projected expiration date
7 did not reduce by the full days/credits, but that is due to the NDOC's projection of future credits used to
8 calculate the projected expiration date, not because of an incorrect or reduced calculation. Nor do
9 inmates immediately earn 40% off their sentences through good time credits, and the additional days
10 Barral earned do not impact good time credits. Finally, Barral received the full credits/days for every
11 meritorious, education and/or program cited in his petition and supplemental petition that NDOC
12 confirmed he was approved to receive. Any additional courses not referenced in the attached credit
13 history, Exhibit E, are unsupported by Barral and NDOC could not identify the same. *See* Exhibit F. As
14 the NDOC properly applied the credits/days to Barral's sentence and accounted for the courses cited in
15 his supplemental petition for he was approved, Warden Garrett asks this Court to deny Barral's petition
16 as it lacks merit.

17 **III. DISCUSSION**

18 **A. Legal Standard: NRS 209.4465 And Nevada Case Law Use "Credits" And "Days"** 19 **Interchangeably.**

20 NRS 209.4465 applies to inmates who committed their crimes on or after July 1997. The statute
21 interchangeably refers to credits and days. *See* NRS 209.4465(1) (applying statutory or "good time"
22 deduction of "20 days"); 209.4465(2) (Director may allow deduction of "not more than 10 days of
23 credit each month" for labor and study); *id.* (offender can earn specific "days" as education "credits");
24 209.4465(3) (Director may allow "maximum of 90 days of credit" for additional higher education
25 degrees); 209.4465(4) (Director may allow "10 days of credit" for certain programs up to "30 days of
26 credit each month"); 209.4465(5) (Director may allow up to "90 days of credit each year" for
27 exceptional meritorious credit).

28 ///

1 The Nevada Supreme Court, in unpublished opinions, has repeatedly found that the NDOC
2 treats a “credit” the same as a “day.” *Burt v. Warden*, No 51497, 238 P.3d 799, 2008 WL 6070832 at *1
3 (Nev. Aug. 29, 2008); *Wellington v. State*, No. 51430, 238 P.3d 865, 2008 WL 6085802 (Nev. July 16,
4 2008) (same); *see also Henry v. State*, No. 52490, 281 P.3d 1180, 2009 WL 1491045 at *2 (Nev. Feb.
5 4, 2009) (finding NDOC properly applied “days” and did not reduce “credits” by any mathematical
6 formula); *Ayala v. State*, No. 52107, 238 P.3d 793, 2008 WL 6124786 at *1 (Nev. Dec. 17, 2008)
7 (same) (attached as Exhibits G-J, respectively).

8 NRS 209.4465(1) governs the deduction of 20 “STAT” or good time credits for each month an
9 offender serves¹. An offender can earn up to 10 credits a month for labor and study, NRS 209.4465(2),
10 or a maximum number of credits for various educational achievements. *Id.* The Director may allow up
11 to 10 days of credit each month for restitution, reentry programs, and programs outside the prison, up to
12 30 days each month in conjunction with subsections 1 and 2. NRS 209.4465(4). The Director may also
13 allow up to 90 days credit each year for exceptional meritorious service. NRS 209.4465(5). Finally, the
14 Governor can determine by executive order to deduct up to 5 days a month from an inmate’s sentence.
15 NRS 209.4465(10).

16 **B. Analysis: This NDOC Properly Applied Barral’s Days/Credits.**

17 The NDOC properly applied credits toward Barral’s sentence. The individual prisons, including
18 LCC, do not apply credit toward an inmate’s sentence.

19 The NDOC applies full days as credits, and full credits as days. *See* Exhibit F at ¶3. The NDOC
20 does not distinguish between the two. *Id.* As the Nevada Supreme Court has found, the NDOC does not
21 utilize any particular mathematical formula to reduce days or credits. *Henry*, 2009 WL 1491045 at *2.

22 Initially, the NDOC projects an inmate’s expiration date on their maximum sentence. This
23 projection aids both the NDOC and the inmate to calculate a potential expiration date if the inmate
24 earns all of the flat, good time and work credits available to them. Exhibit F at ¶4. That projection
25 includes (1) “FLAT” or day-for-day credit served; (2) “STAT” or days projected pursuant to NRS
26 209.4465(1), otherwise known as “good time credit,” and (3) “WORK” for anticipated work or labor
27 credits, a maximum of 10 days each month pursuant to NRS 209.4465(2). That projection is illustrated

28 ¹ As Barral only challenges his maximum sentence, Respondents only cite statutes that apply to
a maximums sentence.

on Barral's current credit history report, attached as Exhibit E, at pages 10-12. The projection changes as the actual credits earned by the inmate in a specific month are entered. *Id.*

Barral is correct that when he earns additional credits, his projected expiration date does not reduce by that specific number of credits or days. That does not mean that the NDOC failed to apply or properly calculate those additional days or credits. Rather, the deviation is the result of the projection calculus described above. By adding additional days/credits actually earned each month, the projected FLAT, STAT and WORK credits also decrease. Exhibit F at ¶4.

An inmate does not start out with a deduction of 40% for good time credit, as argued by Barral. Rather, each inmate's sentence is projected to include good time credit, but it is not an automatic deduction of a specific percentage from an inmate's sentence. The amount of good time credit can change if an inmate's sentence is reduced due to forfeiture of credits, for instance. Other credits, such as meritorious/educational/program credits are not reflected in the 20 days of good time credit Barral earns each month.

Finally, Barral argues the NDOC applied only half of the days he earned for meritorious, education and/or program credits. Barral specifies ten separate programs he allegedly completed and for which he complains he received only partial or no credit as summarized below:

#	Date Earned	Description	Merit Credit Earned	Days Owed
1	07/18	College Certificate	60	30
2	03/01/20-02/01/21	AB 241 COVID Days	60	30
3	01/01/22	College Certificate	60	30
4	01/01/22	Exceptional GPA	60	30
5	07/22	1st Associate Degree	120	60
6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
9	03/28/22-06/20/22	Getting It Right	30	30
10	?	3rd Associate's Degree ²		

Barral failed to present any evidence to support his petition that he completed any of these programs *or* that any completed program was approved to receive credit. *See* NRS 209.4465(3) (Director *may* approve up to 90 days credit for each additional degree or higher education earned); NRS

² The 3rd Associate's Degree is from Barral's original petition, in which he claimed he was owed credits for three Associate's Degrees.

209.4465(5) (Director *may* approve not more than 90 days credit each year for exceptional meritorious service). Mere “naked allegations” will not support a claim for relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984).

Nevertheless, Respondents address the credits Barral did receive. The credit history report and the NDOC confirm Barral received the full days, and credits, owed to him for the programing he properly completed *and* for which he was approved to receive credits. Pursuant to the NDOC, Barral was approved and received the full days/credits for the following:

#	Date Earned	Description	Merit Credit Earned
1	07/18	College Certificate	60
2	03/01/20-02/01/21	AB 241 COVID Days	60
3	01/01/22	College Certificate	60
4	01/01/22	Exceptional GPA	60
5	07/22	1st Associate Degree	120
9	03/28/22-06/20/22	Getting It Right	30

Respondents address each item below.

1	07/18	College Certificate	60
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On page 5 of the credit history report, Barral received a full 60 credits for a College Certificate earned between 07/02/18 and 05/29/19. Exhibit E at 5; Exhibit F at ¶¶ 7, 11. Reviewing the “Days Remaining” column, the total time before the entry was 6362, and after 6302, reflecting the full deduction of 60 days from Barral’s remaining sentence. Exhibit E at 5. This deduction altered the projected expiration date by shortening the number of days of FLAT time he had to serve, which likewise shorted the projected STAT and WORK credits required to expire his sentence. The NDOC deducted the full 60 credits/days from Barral’s maximum sentence, and the total projection reduced by 60 days, which automatically reduced the number of WORK, STAT and FLAT days Barral had to serve to expire his sentence. *Id.*

2	03/01/20-02/01/21	AB 241 COVID Days	60
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AB 241 (2021) authorized the deduction of 5 days credit for each month an offender was actually incarcerated, up to a total of 60 days, during COVID. Barral received 5 days days/credits, with a total deduction of 60 days, from his maximum sentence. *See* Exhibit E at 7-8 (5 days 03/01/20, 04/01/20, 05/01/20, 06/01/20, 07/01/20, 08/01/20, 09/01/20, 10/01/20, 11/01/20, 12/01/20, 01/01/21,

02/01/21 for a total of 60 days). For each entry, the Days Remaining column reduced by the full 5 days/credits received each month. *Id.*; see Exhibit F at ¶¶6, 11.

3	01/01/22	College Certificate	60
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On 01/01/22, Barral received 60 days credit for a second College Certificate. Exhibit E at 9. The Days Remaining reduced from 3232 to 3172, a deduction of 60 days. *Id.* at 8-9. Exhibit F at ¶¶7, 11.

4	01/01/22	Exceptional GPA	60
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Also on 01/01/22, Barral received 60 credits for “Exceptional Merit: GPA 3.87.” Exhibit E at 9. Again, the Days Remaining reduced by 60 days. *Id.* (3172 to 3112). Exhibit F at ¶¶7, 8, 9, 11.

5	07/22	1st Associate Degree	120
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On 08/20/19, Barral received 120 credits for “Associate’s (AA or AS) Degree.” Exhibit E at 6. The Days Remaining reduced from 5466 to 5346, a total of 120 days. *Id.* Exhibit F at ¶¶7, 8, 11.

9	03/28/22-06/20/22	Getting It Right	30
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On 03/28/22-06/20/22, there is an entry for “Getting It Right: Contributing to the Community: 90” for which Barral received 0 credits. Exhibit E at 9. Before that entry, for 2022 Barral already earned 60 credits for College Certificate and 30 credits for Victim Impact: Listen and Learn. *Id.* Therefore, he reached the maximum potential deduction of 90 credits for 2022 before he completed Getting It Right. See NRS 209.4465(5). As a result, he was not entitled to the 30 credits associated with the program. Exhibit F at ¶¶8, 10, 11. This was explained to Barral in response to an inmate request. See Exhibit 2 to Supplemental Petition, last page.

6	07/22	Exceptional GPA	60
7	01/23	2nd Associate Degree	90
8	01/23	Exceptional GPA	60
10	?	3rd Associate’s Degree	

Finally, NDOC was unable to confirm that Barral completed *and* was approved for credits for ##6, 7, 8, and 10. Exhibit F at ¶11. As noted in Exhibit F at ¶8, while there was paperwork demonstrating Barral obtained two additional certificates, the Education Department did not approve credits for those matters because Barral already received credit for similar certificates. Additional credits are not automatic; they remain at all times at the discretion of the Director. Barral fails to demonstrate he was approved to receive the additional credits.

1 As to ##6 and 8, Barral notes that he received an official response to a grievance that he was
2 entitled to Exceptional GPA. Supplemental Petition at 4, citing Exhibit 3. However, that response was
3 limited to a single Exceptional GPA entry and did nothing more than require the matter to be
4 resubmitted to the Education Department for reconsideration. *Id.* at Exhibit 3. Barral ultimately
5 received the noted Exceptional GPA. Exhibit E at 9; Exhibit F at ¶¶7, 8, 9, 11. That response did not
6 provide a carte blanche application of Exceptional GPA. Barral fails to demonstrate he was approved to
7 receive the additional credits referenced in ##6 and 8.

8 And as to #10, Barral referenced earning three Associate's Degrees in his original Petition, but
9 only referred to two Associate's Degrees in the Supplemental Petition. NDOC has no record that Barral
10 completed three Associate's Degrees, or that he was approved to receive additional credit for
11 completing a 2nd and 3rd Associate's Degree.

12 The NDOC properly applied the full days/credits earned by Barral for the
13 program/meritorious/educational credits he completed and was approved to receive.

14 CONCLUSION

15 Warden Garrett has shown the NDOC properly applied the full days and credits Barral both
16 earned and was approved to receive. The actual days earned toward his expiration date were reduced by
17 the number of days/credits applied. Barral fails to demonstrate he completed the remaining matters or
18 that he was approved to receive credit for the additional courses. As the NDOC properly applied and
19 calculated Barral's credits and days, this Court should deny Barral's petition for writ of habeas corpus.

20 RESPECTFULLY SUBMITTED this 10th day of May, 2023.

21 AARON D. FORD
22 Attorney General

23 By: /s/ Heather D. Procter
24 HEATHER D. PROCTER (Bar No. 8621)
25 Chief Deputy Attorney General
26 State of Nevada
27 Office of the Attorney General
28 100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1271
(775) 684-1108
hprocter@ag.nv.gov

INDEX OF EXHIBITS

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K	Proposed Order Denying Petition	4

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 10th day of
3 May, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **WARDEN**
4 **TIM GARRETT'S ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS AND**
5 **SUPPLEMENTAL PETITION CHALLENGING COMPUTATION OF TIME**, to the following:

6 Dustin Barral # #1108615
7 c/o Lovelock Correctional Center
8 1200 Prison Road
9 Lovelock, NV 89419

10 /s/ Amanda White
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EXHIBIT A

Judgment of Conviction
(Plea of Guilty –
Alford)

EXHIBIT A

Steven D. Grierson

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-10-269095-1

-vs-

DEPT. NO. VIII

DUSTIN JAMES BARRAL

#2755494

Defendant.

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 crimes of COUNT 1 – ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; and COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508(1); thereafter, on the 18th day of September, 2017, the Defendant was present in court for sentencing with counsel Michael Castillo, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the

<input type="checkbox"/> Not a Proceed (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

[Signature]

1 Defendant is sentenced to the Nevada Department of Corrections as follows: COUNT
2 1 - a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS with a MINIMUM
3 parole eligibility of NINETY-SIX (96) MONTHS; and COUNT 2 - a MAXIMUM of
4 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT
5 (28) MONTHS, CONSECUTIVE to COUNT 1; with ONE THOUSAND AND FIVE
6 HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. The
7 AGGREGATE TOTAL sentence is THREE HUNDRED AND TWELVE (312) MONTHS
8 MAXIMUM with a MINIMUM of ONE HUNDRED AND TWENTY-FOUR (124)
9 MONTHS.
10
11

12 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
13 is imposed to commence upon release from any term of imprisonment, probation or
14 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
15 the Administrator of the Mental Health and Development Services of the Department
16 of Human Resources or his designee; the Director of the Department of corrections or
17 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
18 licensed to practice medicine in Nevada must certify that the Defendant does not
19 represent a high risk to re-offend based on current accepted standards of assessment.
20
21

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

25 DATED this 28 day of September, 2017

26
27
28
DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT B

Second Amended Information

EXHIBIT B

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #010575
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAY 22 2017

BY: Carol Donahoo
CAROL DONAHOO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DUSTIN JAMES BARRAL,
#2755494

Defendant.

Case No: C269095
Dept No: VIII

SECOND AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That DUSTIN JAMES BARRAL, the Defendant(s) above named, having committed the crimes of **ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50123)** and **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226)**, on or between the 10th day of July, 2010, and the 12th day of July, 2010, 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,

///

///

C-10-269095-1
AINF
Amended Information
4658359



W:\2010\2010F\149\36\10F14936-AINF-(BARRAL)-001.DOCX

1 COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN
2 YEARS OF AGE

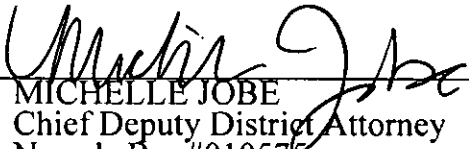
3 did then and there willfully, unlawfully, and attempt to feloniously attempt to sexually
4 assault and subject J.C., a child under fourteen years of age, to sexual penetration, to wit:
5 digital penetration, by attempting to insert his finger(s) into the genital opening and/or anal
6 opening of the said J.C., against his or her will, or under conditions in which Defendant knew,
7 or should have known, that J.C. was mentally or physically incapable of resisting or
8 understanding the nature of Defendant's conduct.

9 COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

10 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to
11 wit: J.C., being approximately 5 year(s) of age, to suffer unjustifiable physical pain or mental
12 suffering as a result of abuse or neglect, to wit: mental injury of a non accidental nature, and/or
13 cause J.C. to be placed in a situation where she might have suffered unjustifiable physical pain
14 or mental suffering and/or sexual abuse as a result of abuse or neglect, to wit: mental injury of
15 a non accidental nature, by touching the said J.C. in a manner and means in which she did not
16 want to be touched.

17 STEVEN B. WOLFSON
18 DISTRICT ATTORNEY
Nevada Bar #001565

19
20 BY


MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #010575

21
22
23
24
25
26 DA#10F14936X/jm/SVU
27 LVMPD EV#1007142664
28 (TK3)

EXHIBIT C

NDOC Inmate Search

EXHIBIT C

Search By Offender ID

Offender ID:

-or-

Search By Demographics

First Name: Wildcard %

Last Name: Wildcard %

Submit

NOTICE:

The information provided here represents raw data. As such, the State of Nevada Department of Corrections makes no warranty or guarantee that the data is accurate. This 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) 775-5733. Any questions regarding the web portal for law enforcement, please contact Victim Services at (775) 775-5733. Any questions regarding the web portal for law enforcement information should be referred to Acting PIO Bill Quenga. email: wquenga@doc.nv.gov or (775) 977-5699

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

Download Offender Data

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

Up to date as of 2023-04-07

Identification and Demographics

Name	Offender ID	Gender	Ethnic	Age	Height	Weight	Build	Complexion	Hair	Eyes	Institution
DUSTIN JAMES BARRAL	1108615	Male	NOT HISPANIC	38	5'9"	200lb		FAIR	BROWN	BROWN	LOVELOCK CORRECTIONAL CENTER

Booking Information

Offense Code	Offense Description	Sent. Status	Sent. Min	Sent. Max	Sent. PED	Sent. MPR	Sent. County	Sent. PEXD	Sent. PAR
3537	ATT SEXUAL ASSAULT, VICT UND 16	Aggregated	0 yr. 96 mo. 0 days	0 yr. 240 mo. 0 days			CLARK COUNTY COURTHOUSE		DET
A007	Aggregate	Active	10 yr. 4 mo. 0 days	26 yr. 0 mo. 0 days	2023-09-27	2025-07-15	AGGREGATE SENTENCING	2026-01-17	DET
2145	SEXUAL ASSAULT VICT UNDER 16	Inactive	0 yr. 420 mo. 0 days		2048-05-29		CLARK COUNTY		LIF PAR

4/7/23, 4:34 PM

NDOC Inmate Search

			mo. 0 days			COURTHOUSE	
2145	SEXUAL ASSAULT VICT UNDER 16	Inactive	0 yr. 420		2048- 05-29	CLARK COUNTY COURTHOUSE	LIF PAR
			mo. 0 days				
2144	ABUSE/NEGLECT/ENDANGER CHILD	Aggregated	0 yr. 28 mo. 0 days	0 yr. 72 mo. 0 days		CLARK COUNTY COURTHOUSE	DET

Inmate Photo

Parole Hearing Details Unavailable



EXHIBIT D

NDOC Offender Legal Orders

EXHIBIT D



State of Nevada
Department of Corrections
OFFENDER LEGAL ORDERS

BARRAL, DUSTIN JAMES 1108615

Next Parole Expiration Date(NPD): RECOMMENDED RELEASE DATE:

	SENTENCE DATE	RETRO DATE	OFFENSE	DESCRIPTION	COUNT	SENTENCE SEQ	SENTENCE CONSECUTIVE TO	MINIMUM	MAXIMUM
C# AG_181260_3		05/28/2013	A007	Aggregate	1	3		10Y 4M 0D	26Y 0M 0D
C# C-10-269095-1		03/13/2024	2144	ABUSE/NEGLECT/ENDANGER CHILD	2	2	1	0Y 28M 0D	0Y 72M 0D
C# C-10-269095-1		05/28/2013	3537	ATT SEXUAL ASSAULT, VICT UND 16	1	1		0Y 96M 0D	0Y 240M 0D

Sentence Statuses	
A	Active
AG	Aggregated
D	Discharged
DCS	Discharge to Consecutive
DP	Paroled
I	Inactive
OT	Overturned
P	Pending
P267	PEND267
PTC	Parole to Consecutive
REACT	Reactivated
SUSP	Suspended

EXHIBIT E

NDOC Credit History
by Sentence, Max
Term, Sentence 3

EXHIBIT E



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

Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

Current Earned Expiration Date: 09/18/2028

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/28/2013	05/31/2013	FLAT	4	No Comment	9492
05/28/2013	05/31/2013	STAT	3	No Comment	9489
05/28/2013	05/31/2013	WORK	0	No Comment	9489
06/01/2013	06/30/2013	FLAT	30	No Comment	9459
06/01/2013	06/30/2013	STAT	20	No Comment	9439
06/01/2013	06/30/2013	WORK	0	No Comment	9439
07/01/2013	07/31/2013	FLAT	31	No Comment	9408
07/01/2013	07/31/2013	STAT	20	No Comment	9388
07/01/2013	07/31/2013	WORK	0	No Comment	9388
08/01/2013	08/31/2013	FLAT	31	No Comment	9357
08/01/2013	08/31/2013	STAT	20	No Comment	9337
08/01/2013	08/31/2013	WORK	0	No Comment	9337
09/01/2013	09/30/2013	FLAT	30	No Comment	9307
09/01/2013	09/30/2013	STAT	20	No Comment	9287
09/01/2013	09/30/2013	WORK	0	No Comment	9287
10/01/2013	10/31/2013	FLAT	31	No Comment	9256
10/01/2013	10/31/2013	STAT	20	No Comment	9236
10/01/2013	10/31/2013	WORK	0	No Comment	9236
11/01/2013	11/30/2013	FLAT	30	No Comment	9206
11/01/2013	11/30/2013	STAT	20	No Comment	9186
11/01/2013	11/30/2013	WORK	0	No Comment	9186
12/01/2013	12/31/2013	FLAT	31	No Comment	9155
12/01/2013	12/31/2013	STAT	20	No Comment	9135
12/01/2013	12/31/2013	WORK	0	No Comment	9135
01/01/2014	01/31/2014	FLAT	31	No Comment	9104
01/01/2014	01/31/2014	STAT	20	No Comment	9084
01/01/2014	01/31/2014	WORK	0	No Comment	9084
02/01/2014	02/28/2014	FLAT	28	No Comment	9056
02/01/2014	02/28/2014	STAT	20	No Comment	9036
02/01/2014	02/28/2014	WORK	0	No Comment	9036
03/01/2014	03/31/2014	FLAT	31	No Comment	9005
03/01/2014	03/31/2014	STAT	20	No Comment	8985
03/01/2014	03/31/2014	WORK	0	No Comment	8985
04/01/2014	04/30/2014	FLAT	30	No Comment	8955
04/01/2014	04/30/2014	STAT	20	No Comment	8935
04/01/2014	04/30/2014	WORK	0	No Comment	8935
05/01/2014	05/31/2014	FLAT	31	No Comment	8904

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: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

Current Earned Expiration Date: 09/18/2028

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
05/01/2014	05/31/2014	STAT	20	No Comment	8884
05/01/2014	05/31/2014	WORK	0	No Comment	8884
06/01/2014	06/30/2014	FLAT	30	No Comment	8854
06/01/2014	06/30/2014	STAT	20	No Comment	8834
06/01/2014	06/30/2014	WORK	0	No Comment	8834
07/01/2014	07/31/2014	FLAT	31	No Comment	8803
07/01/2014	07/31/2014	STAT	20	No Comment	8783
07/01/2014	07/31/2014	WORK	0	No Comment	8783
08/01/2014	08/31/2014	FLAT	31	No Comment	8752
08/01/2014	08/31/2014	STAT	20	No Comment	8732
08/01/2014	08/31/2014	WORK	0	No Comment	8732
09/01/2014	09/30/2014	FLAT	30	No Comment	8702
09/01/2014	09/30/2014	STAT	20	No Comment	8682
09/01/2014	09/30/2014	WORK	0	No Comment	8682
10/01/2014	10/31/2014	FLAT	31	No Comment	8651
10/01/2014	10/31/2014	STAT	20	No Comment	8631
10/01/2014	10/31/2014	WORK	0	No Comment	8631
11/01/2014	11/30/2014	FLAT	30	No Comment	8601
11/01/2014	11/30/2014	STAT	20	No Comment	8581
11/01/2014	11/30/2014	WORK	0	No Comment	8581
12/01/2014	12/31/2014	FLAT	31	No Comment	8550
12/01/2014	12/31/2014	STAT	20	No Comment	8530
12/01/2014	12/31/2014	WORK	0	No Comment	8530
01/01/2015	01/31/2015	FLAT	31	No Comment	8499
01/01/2015	01/31/2015	STAT	20	No Comment	8479
01/01/2015	01/31/2015	WORK	0	No Comment	8479
02/01/2015	02/28/2015	FLAT	28	No Comment	8451
02/01/2015	02/28/2015	STAT	20	No Comment	8431
02/01/2015	02/28/2015	WORK	0	No Comment	8431
03/01/2015	03/31/2015	FLAT	31	No Comment	8400
03/01/2015	03/31/2015	STAT	20	No Comment	8380
03/01/2015	03/31/2015	WORK	0	No Comment	8380
04/01/2015	04/30/2015	FLAT	30	No Comment	8350
04/01/2015	04/30/2015	STAT	20	No Comment	8330
04/01/2015	04/30/2015	WORK	0	No Comment	8330
05/01/2015	05/31/2015	FLAT	31	No Comment	8299
05/01/2015	05/31/2015	STAT	20	No Comment	8279
05/01/2015	05/31/2015	WORK	0	No Comment	8279
06/01/2015	06/30/2015	FLAT	30	No Comment	8249
06/01/2015	06/30/2015	STAT	20	No Comment	8229
06/01/2015	06/30/2015	WORK	0	No Comment	8229
07/01/2015	07/31/2015	FLAT	31	No Comment	8198
07/01/2015	07/31/2015	STAT	20	No Comment	8178

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Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

Current Earned Expiration Date: 09/18/2028

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
07/01/2015	07/31/2015	WORK	0	No Comment	8178
08/01/2015	08/31/2015	FLAT	31	No Comment	8147
08/01/2015	08/31/2015	STAT	20	No Comment	8127
08/01/2015	08/31/2015	WORK	0	No Comment	8127
09/01/2015	09/30/2015	FLAT	30	No Comment	8097
09/01/2015	09/30/2015	STAT	20	No Comment	8077
09/01/2015	09/30/2015	WORK	0	No Comment	8077
10/01/2015	10/31/2015	FLAT	31	No Comment	8046
10/01/2015	10/31/2015	STAT	20	No Comment	8026
10/01/2015	10/31/2015	WORK	0	No Comment	8026
11/01/2015	11/30/2015	FLAT	30	No Comment	7996
11/01/2015	11/30/2015	STAT	20	No Comment	7976
11/01/2015	11/30/2015	WORK	0	No Comment	7976
12/01/2015	12/31/2015	FLAT	31	No Comment	7945
12/01/2015	12/31/2015	STAT	20	No Comment	7925
12/01/2015	12/31/2015	WORK	0	No Comment	7925
01/01/2016	01/31/2016	FLAT	31	No Comment	7894
01/01/2016	01/31/2016	STAT	20	No Comment	7874
01/01/2016	01/31/2016	WORK	0	No Comment	7874
02/01/2016	02/29/2016	FLAT	29	No Comment	7845
02/01/2016	02/29/2016	STAT	20	No Comment	7825
02/01/2016	02/29/2016	WORK	0	No Comment	7825
03/01/2016	03/31/2016	FLAT	31	No Comment	7794
03/01/2016	03/31/2016	STAT	20	No Comment	7774
03/01/2016	03/31/2016	WORK	0	No Comment	7774
04/01/2016	04/30/2016	FLAT	30	No Comment	7744
04/01/2016	04/30/2016	STAT	20	No Comment	7724
04/01/2016	04/30/2016	WORK	0	No Comment	7724
05/01/2016	05/31/2016	FLAT	31	No Comment	7693
05/01/2016	05/31/2016	STAT	20	No Comment	7673
05/01/2016	05/31/2016	WORK	0	No Comment	7673
06/01/2016	06/30/2016	FLAT	30	No Comment	7643
06/01/2016	06/30/2016	STAT	20	No Comment	7623
06/01/2016	06/30/2016	WORK	0	No Comment	7623
07/01/2016	07/31/2016	FLAT	31	No Comment	7592
07/01/2016	07/31/2016	STAT	20	No Comment	7572
07/01/2016	07/31/2016	WORK	0	No Comment	7572
08/01/2016	08/31/2016	FLAT	31	No Comment	7541
08/01/2016	08/31/2016	STAT	20	No Comment	7521
08/01/2016	08/31/2016	WORK	0	No Comment	7521
09/01/2016	09/30/2016	FLAT	30	No Comment	7491
09/01/2016	09/30/2016	STAT	20	No Comment	7471
09/01/2016	09/30/2016	WORK	0	No Comment	7471

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
10/01/2016	10/31/2016	FLAT	31	No Comment	7440
10/01/2016	10/31/2016	STAT	20	No Comment	7420
10/01/2016	10/31/2016	WORK	0	No Comment	7420
11/01/2016	11/30/2016	FLAT	30	No Comment	7390
11/01/2016	11/30/2016	STAT	20	No Comment	7370
11/01/2016	11/30/2016	WORK	0	No Comment	7370
12/01/2016	12/31/2016	FLAT	31	No Comment	7339
12/01/2016	12/31/2016	STAT	20	No Comment	7319
12/01/2016	12/31/2016	WORK	0	No Comment	7319
01/01/2017	01/31/2017	FLAT	31	No Comment	7288
01/01/2017	01/31/2017	STAT	20	No Comment	7268
01/01/2017	01/31/2017	WORK	0	No Comment	7268
02/01/2017	02/28/2017	FLAT	28	No Comment	7240
02/01/2017	02/28/2017	STAT	20	No Comment	7220
02/01/2017	02/28/2017	WORK	0	No Comment	7220
03/01/2017	03/31/2017	FLAT	31	No Comment	7189
03/01/2017	03/31/2017	STAT	20	No Comment	7169
03/01/2017	03/31/2017	WORK	0	No Comment	7169
04/01/2017	04/30/2017	FLAT	30	No Comment	7139
04/01/2017	04/30/2017	STAT	20	No Comment	7119
04/01/2017	04/30/2017	WORK	0	No Comment	7119
05/01/2017	05/31/2017	FLAT	31	No Comment	7088
05/01/2017	05/31/2017	STAT	20	No Comment	7068
05/01/2017	05/31/2017	WORK	0	No Comment	7068
06/01/2017	06/30/2017	FLAT	30	No Comment	7038
06/01/2017	06/30/2017	STAT	20	No Comment	7018
06/01/2017	06/30/2017	WORK	0	No Comment	7018
07/01/2017	07/31/2017	FLAT	31	No Comment	6987
07/01/2017	07/31/2017	STAT	20	No Comment	6967
07/01/2017	07/31/2017	WORK	0	No Comment	6967
08/01/2017	08/31/2017	FLAT	31	No Comment	6936
08/01/2017	08/31/2017	STAT	20	No Comment	6916
08/01/2017	08/31/2017	WORK	0	No Comment	6916
09/01/2017	09/17/2017	FLAT	17	No Comment	6899
09/01/2017	09/17/2017	STAT	12	No Comment	6887
09/01/2017	09/30/2017	WORK	0	Reduction for not working	6887
09/18/2017	09/30/2017	FLAT	13	No Comment	6874
09/18/2017	09/30/2017	STAT	8	No Comment	6866
10/01/2017	10/31/2017	FLAT	31	No Comment	6835
10/01/2017	10/31/2017	STAT	20	No Comment	6815
10/01/2017	10/31/2017	WORK	0	Reduction for not working	6815
11/01/2017	11/30/2017	FLAT	30	No Comment	6785
11/01/2017	11/30/2017	STAT	20	No Comment	6765

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11/01/2017	11/30/2017	WORK	0	Reduction for not working	6765
12/01/2017	12/31/2017	FLAT	31	No Comment	6734
12/01/2017	12/31/2017	STAT	20	No Comment	6714
12/01/2017	12/31/2017	WORK	0	Reduction for not working	6714
01/01/2018	01/31/2018	FLAT	31	No Comment	6683
01/01/2018	01/31/2018	STAT	20	No Comment	6663
01/01/2018	01/31/2018	WORK	0	Reduction for not working	6663
02/01/2018	02/28/2018	FLAT	28	No Comment	6635
02/01/2018	02/28/2018	STAT	20	No Comment	6615
02/01/2018	02/28/2018	WORK	0	Reduction for not working	6615
03/01/2018	03/31/2018	FLAT	31	No Comment	6584
03/01/2018	03/31/2018	STAT	20	No Comment	6564
03/01/2018	03/31/2018	WORK	0	Reduction for not working	6564
04/01/2018	04/30/2018	FLAT	30	No Comment	6534
04/01/2018	04/30/2018	STAT	20	No Comment	6514
04/01/2018	04/30/2018	WORK	0	Reduction for not working	6514
05/01/2018	05/31/2018	FLAT	31	No Comment	6483
05/01/2018	05/31/2018	STAT	20	No Comment	6463
05/01/2018	05/31/2018	WORK	0	Reduction for not working	6463
06/01/2018	06/30/2018	FLAT	30	No Comment	6433
06/01/2018	06/30/2018	STAT	20	No Comment	6413
06/01/2018	06/30/2018	WORK	0	Reduction for not working	6413
07/01/2018	07/31/2018	FLAT	31	No Comment	6382
07/01/2018	07/31/2018	STAT	20	No Comment	6362
07/01/2018	07/31/2018	WORK	0	Reduction for not working	6362
07/02/2018	05/29/2019	MR_ED_CC	60	College Certificate	6302
08/01/2018	08/31/2018	FLAT	31	No Comment	6271
08/01/2018	08/31/2018	STAT	20	No Comment	6251
08/01/2018	08/31/2018	WORK	0	Reduction for not working	6251
09/01/2018	09/30/2018	FLAT	30	No Comment	6221
09/01/2018	09/30/2018	STAT	20	No Comment	6201
09/01/2018	09/30/2018	WORK	10	No Comment	6191
10/01/2018	10/31/2018	FLAT	31	No Comment	6160
10/01/2018	10/31/2018	STAT	20	No Comment	6140
10/01/2018	10/31/2018	WORK	10	No Comment	6130
11/01/2018	11/30/2018	FLAT	30	No Comment	6100
11/01/2018	11/30/2018	STAT	20	No Comment	6080
11/01/2018	11/30/2018	WORK	10	No Comment	6070
12/01/2018	12/31/2018	FLAT	31	No Comment	6039
12/01/2018	12/31/2018	STAT	20	No Comment	6019
12/01/2018	12/31/2018	WORK	10	No Comment	6009
01/01/2019	01/31/2019	FLAT	31	No Comment	5978
01/01/2019	01/31/2019	STAT	20	No Comment	5958

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2019	01/31/2019	WORK	10	No Comment	5948
01/06/2019	03/20/2019	MR_CP_SLP	30	Structured Living Basic Training ALPHA	5918
02/01/2019	02/28/2019	FLAT	28	No Comment	5890
02/01/2019	02/28/2019	STAT	20	No Comment	5870
02/01/2019	02/28/2019	WORK	10	No Comment	5860
03/01/2019	03/31/2019	FLAT	31	No Comment	5829
03/01/2019	03/31/2019	STAT	20	No Comment	5809
03/01/2019	03/31/2019	WORK	10	No Comment	5799
03/20/2019	09/04/2019	MR_CP_SLP	30	Structured Living Basic Training BRAVO	5769
04/01/2019	04/30/2019	FLAT	30	No Comment	5739
04/01/2019	04/30/2019	STAT	20	No Comment	5719
04/01/2019	04/30/2019	WORK	10	Reduction for not working	5709
05/01/2019	05/31/2019	FLAT	31	No Comment	5678
05/01/2019	05/31/2019	STAT	20	No Comment	5658
05/01/2019	05/31/2019	WORK	10	No Comment	5648
06/01/2019	06/30/2019	FLAT	30	No Comment	5618
06/01/2019	06/30/2019	STAT	20	No Comment	5598
06/01/2019	06/30/2019	WORK	10	Reduction for not working	5588
07/01/2019	07/31/2019	FLAT	31	No Comment	5557
07/01/2019	07/31/2019	STAT	20	No Comment	5537
07/01/2019	07/31/2019	WORK	10	No Comment	5527
08/01/2019	08/31/2019	FLAT	31	No Comment	5496
08/01/2019	08/31/2019	STAT	20	No Comment	5476
08/01/2019	08/31/2019	WORK	10	No Comment	5466
08/20/2019	05/20/2022	MR_ED_AA	120	Associate's (AA or AS) Degree	5346
09/01/2019	09/30/2019	FLAT	30	No Comment	5316
09/01/2019	09/30/2019	STAT	20	No Comment	5296
09/01/2019	09/30/2019	WORK	10	No Comment	5286
09/04/2019	05/12/2020	MR_CP_SLB	30	Structured Living Basic Training CHARLIE	5256
10/01/2019	10/31/2019	FLAT	31	No Comment	5225
10/01/2019	10/31/2019	STAT	20	No Comment	5205
10/01/2019	10/31/2019	WORK	10	No Comment	5195
10/02/2019	06/01/2020	MR_VC_HO	60	Plant and Science Horticulture	5135
10/22/2019	12/18/2019	MR_JS_SRS	30	ServSafe Manager	5105
11/01/2019	11/30/2019	FLAT	30	No Comment	5075
11/01/2019	11/30/2019	STAT	20	No Comment	5055
11/01/2019	11/30/2019	WORK	10	No Comment	5045
12/01/2019	12/31/2019	FLAT	31	No Comment	5014
12/01/2019	12/31/2019	STAT	20	No Comment	4994
12/01/2019	12/31/2019	WORK	10	No Comment	4984
01/01/2020	01/31/2020	FLAT	31	No Comment	4953
01/01/2020	01/31/2020	STAT	20	No Comment	4933
01/01/2020	01/31/2020	WORK	10	No Comment	4923

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From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
02/01/2020	02/29/2020	FLAT	29	No Comment	4894
02/01/2020	02/29/2020	STAT	20	No Comment	4874
02/01/2020	02/29/2020	WORK	10	No Comment	4864
03/01/2020	03/31/2020	FLAT	31	No Comment	4833
03/01/2020	03/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4828
03/01/2020	03/31/2020	STAT	20	No Comment	4808
03/01/2020	03/31/2020	WORK	10	No Comment	4798
04/01/2020	04/30/2020	FLAT	30	No Comment	4768
04/01/2020	04/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4763
04/01/2020	04/30/2020	STAT	20	No Comment	4743
04/01/2020	04/30/2020	WORK	10	No Comment	4733
05/01/2020	05/31/2020	FLAT	31	No Comment	4702
05/01/2020	05/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4697
05/01/2020	05/31/2020	STAT	20	No Comment	4677
05/01/2020	05/31/2020	WORK	10	No Comment	4667
06/01/2020	06/30/2020	FLAT	30	No Comment	4637
06/01/2020	06/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4632
06/01/2020	06/30/2020	STAT	20	No Comment	4612
06/01/2020	06/30/2020	WORK	10	No Comment	4602
07/01/2020	07/31/2020	FLAT	31	No Comment	4571
07/01/2020	07/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4566
07/01/2020	07/31/2020	STAT	20	No Comment	4546
07/01/2020	07/31/2020	WORK	10	No Comment	4536
08/01/2020	08/31/2020	FLAT	31	No Comment	4505
08/01/2020	08/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4500
08/01/2020	08/31/2020	STAT	20	No Comment	4480
08/01/2020	08/31/2020	WORK	10	No Comment	4470
09/01/2020	09/30/2020	FLAT	30	No Comment	4440
09/01/2020	09/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4435
09/01/2020	09/30/2020	STAT	20	No Comment	4415
09/01/2020	09/30/2020	WORK	10	No Comment	4405
09/07/2020	10/13/2020	MR_VC_CP	60	Computers	4345
10/01/2020	10/31/2020	FLAT	31	No Comment	4314
10/01/2020	10/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4309
10/01/2020	10/31/2020	STAT	20	No Comment	4289
10/01/2020	10/31/2020	WORK	10	No Comment	4279
10/12/2020	10/26/2020	MR_VC_ACP	60	Advanced Computers	4219
10/12/2020	12/07/2020	MR_VC_IWE	60	Introduction to Web Design	4159
11/01/2020	11/30/2020	FLAT	30	No Comment	4129
11/01/2020	11/30/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4124
11/01/2020	11/30/2020	STAT	20	No Comment	4104
11/01/2020	11/30/2020	WORK	10	No Comment	4094
12/01/2020	12/31/2020	FLAT	31	No Comment	4063

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12/01/2020	12/31/2020	MR_SV_AB2	5	AB241 Credit: ARTF4954:	4058
12/01/2020	12/31/2020	STAT	20	No Comment	4038
12/01/2020	12/31/2020	WORK	10	No Comment	4028
01/01/2021	01/31/2021	FLAT	31	No Comment	3997
01/01/2021	01/31/2021	MR_SV_AB2	5	AB241 Credit: ARTF4954:	3992
01/01/2021	01/31/2021	STAT	20	No Comment	3972
01/01/2021	01/31/2021	WORK	10	No Comment	3962
02/01/2021	02/28/2021	FLAT	28	No Comment	3934
02/01/2021	02/28/2021	MR_SV_AB2	5	AB241 Credit: ARTF4954:	3929
02/01/2021	02/28/2021	STAT	20	No Comment	3909
02/01/2021	02/28/2021	WORK	10	No Comment	3899
03/01/2021	03/31/2021	FLAT	31	No Comment	3868
03/01/2021	03/31/2021	STAT	20	No Comment	3848
03/01/2021	03/31/2021	WORK	10	No Comment	3838
04/01/2021	04/30/2021	FLAT	30	No Comment	3808
04/01/2021	04/30/2021	STAT	20	No Comment	3788
04/01/2021	04/30/2021	WORK	10	No Comment	3778
05/01/2021	05/31/2021	FLAT	31	No Comment	3747
05/01/2021	05/31/2021	STAT	20	No Comment	3727
05/01/2021	05/31/2021	WORK	10	No Comment	3717
06/01/2021	06/30/2021	FLAT	30	No Comment	3687
06/01/2021	06/30/2021	STAT	20	No Comment	3667
06/01/2021	06/30/2021	WORK	10	No Comment	3657
07/01/2021	07/31/2021	FLAT	31	No Comment	3626
07/01/2021	07/31/2021	STAT	20	No Comment	3606
07/01/2021	07/31/2021	WORK	10	No Comment	3596
07/15/2021	10/21/2021	MR_CP_REL	30	Relapse Prevention (Sex Offender)	3566
08/01/2021	08/31/2021	FLAT	31	No Comment	3535
08/01/2021	08/31/2021	STAT	20	No Comment	3515
08/01/2021	08/31/2021	WORK	10	No Comment	3505
09/01/2021	09/30/2021	FLAT	30	No Comment	3475
09/01/2021	09/30/2021	STAT	20	No Comment	3455
09/01/2021	09/30/2021	WORK	10	No Comment	3445
10/01/2021	10/31/2021	FLAT	31	No Comment	3414
10/01/2021	10/31/2021	STAT	20	No Comment	3394
10/01/2021	10/31/2021	WORK	10	No Comment	3384
11/01/2021	11/30/2021	FLAT	30	No Comment	3354
11/01/2021	11/30/2021	STAT	20	No Comment	3334
11/01/2021	11/30/2021	WORK	10	No Comment	3324
12/01/2021	12/31/2021	FLAT	31	No Comment	3293
12/01/2021	12/31/2021	STAT	20	No Comment	3273
12/01/2021	12/31/2021	WORK	10	No Comment	3263
01/01/2022	01/31/2022	FLAT	31	No Comment	3232

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AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2022	01/31/2022	MR_ED_CC	60	College Certificate	3172
01/01/2022	01/31/2022	MR_SV_EC	60	Exceptional Merit: GPA 3.87	3112
01/01/2022	01/31/2022	STAT	20	No Comment	3092
01/01/2022	01/31/2022	WORK	10	No Comment	3082
02/01/2022	02/28/2022	FLAT	28	No Comment	3054
02/01/2022	02/28/2022	STAT	20	No Comment	3034
02/01/2022	02/28/2022	WORK	10	No Comment	3024
02/22/2022	04/07/2022	MR_CP_VI	30	Victim Impact: Listen and Learn	2994
03/01/2022	03/31/2022	FLAT	31	No Comment	2963
03/01/2022	03/31/2022	STAT	20	No Comment	2943
03/01/2022	03/31/2022	WORK	10	No Comment	2933
03/28/2022	06/20/2022	MR_CP_GIR	0	Getting It Right: Contributing to the Community: 90	2933
04/01/2022	04/30/2022	FLAT	30	No Comment	2903
04/01/2022	04/30/2022	STAT	20	No Comment	2883
04/01/2022	04/30/2022	WORK	10	No Comment	2873
05/01/2022	05/31/2022	FLAT	31	No Comment	2842
05/01/2022	05/31/2022	STAT	20	No Comment	2822
05/01/2022	05/31/2022	WORK	10	Reduction for not working	2812
06/01/2022	06/30/2022	FLAT	30	No Comment	2782
06/01/2022	06/30/2022	STAT	20	No Comment	2762
06/01/2022	06/30/2022	WORK	10	Reduction for not working	2752
07/01/2022	07/31/2022	FLAT	31	No Comment	2721
07/01/2022	07/31/2022	STAT	20	No Comment	2701
07/01/2022	07/31/2022	WORK	10	No Comment	2691
07/13/2022	11/15/2022	MR_VC_ICA	60	Introduction to AutoCAD	2631
08/01/2022	08/31/2022	FLAT	31	No Comment	2600
08/01/2022	08/31/2022	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2585
08/01/2022	08/31/2022	STAT	20	No Comment	2565
08/01/2022	08/31/2022	WORK	10	Reduction for not working	2555
09/01/2022	09/30/2022	FLAT	30	No Comment	2525
09/01/2022	09/30/2022	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2510
09/01/2022	09/30/2022	STAT	20	No Comment	2490
09/01/2022	09/30/2022	WORK	10	Reduction for not working	2480
10/01/2022	10/31/2022	FLAT	31	No Comment	2449
10/01/2022	10/31/2022	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2434
10/01/2022	10/31/2022	STAT	20	No Comment	2414
10/01/2022	10/31/2022	WORK	10	No Comment	2404
11/01/2022	11/30/2022	FLAT	30	No Comment	2374
11/01/2022	11/30/2022	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2359
11/01/2022	11/30/2022	STAT	20	No Comment	2339
11/01/2022	11/30/2022	WORK	10	No Comment	2329
12/01/2022	12/31/2022	FLAT	31	No Comment	2298
12/01/2022	12/31/2022	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2283

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Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

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AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
12/01/2022	12/31/2022	STAT	20	No Comment	2263
12/01/2022	12/31/2022	WORK	10	No Comment	2253
01/01/2023	01/31/2023	FLAT	31	No Comment	2222
01/01/2023	01/31/2023	MR_SV_PAN	15	Pandemic Meritorious Service Credit: ARTF5564:	2207
01/01/2023	01/31/2023	STAT	20	No Comment	2187
01/01/2023	01/31/2023	WORK	10	Reduction for not working	2177
01/12/2023	02/13/2023	MR_CP_MRT	15	Moral Reconation Therapy Phase I	2162
02/01/2023	02/28/2023	FLAT	28	No Comment	2134
02/01/2023	02/28/2023	STAT	20	No Comment	2114
02/01/2023	02/28/2023	WORK	10	No Comment	2104
02/13/2023	03/06/2023	MR_CP_MRT	15	Moral Reconation Therapy Phase II	2089
03/01/2023	03/31/2023	FLAT	31	No Comment	2058
03/01/2023	03/31/2023	STAT	20	No Comment	2038
03/01/2023	03/31/2023	WORK	10	No Comment	2028
03/06/2023	03/30/2023	MR_CP_MRT	15	Moral Reconation Therapy Phase III	2013
04/01/2023	04/30/2023	FLAT	30	No Comment	1983
04/01/2023	04/30/2023	STAT	20	No Comment	1963
04/01/2023	04/30/2023	WORK	10	No Comment	1953
04/03/2023	04/06/2023	MR_CP_MRT	15	Moral Reconation Therapy Phase IV	1938
05/01/2023	05/31/2023	FLAT	31	No Comment	1907
05/01/2023	05/31/2023	STAT	20	No Comment	1887
05/01/2023	05/31/2023	WORK	10	No Comment	1877
06/01/2023	06/30/2023	FLAT	30	No Comment	1847
06/01/2023	06/30/2023	STAT	20	No Comment	1827
06/01/2023	06/30/2023	WORK	10	No Comment	1817
07/01/2023	07/31/2023	FLAT	31	No Comment	1786
07/01/2023	07/31/2023	STAT	20	No Comment	1766
07/01/2023	07/31/2023	WORK	10	No Comment	1756
08/01/2023	08/31/2023	FLAT	31	No Comment	1725
08/01/2023	08/31/2023	STAT	20	No Comment	1705
08/01/2023	08/31/2023	WORK	10	No Comment	1695
09/01/2023	09/30/2023	FLAT	30	No Comment	1665
09/01/2023	09/30/2023	STAT	20	No Comment	1645
09/01/2023	09/30/2023	WORK	10	No Comment	1635
10/01/2023	10/31/2023	FLAT	31	No Comment	1604
10/01/2023	10/31/2023	STAT	20	No Comment	1584
10/01/2023	10/31/2023	WORK	10	No Comment	1574
11/01/2023	11/30/2023	FLAT	30	No Comment	1544
11/01/2023	11/30/2023	STAT	20	No Comment	1524
11/01/2023	11/30/2023	WORK	10	No Comment	1514
12/01/2023	12/31/2023	FLAT	31	No Comment	1483
12/01/2023	12/31/2023	STAT	20	No Comment	1463
12/01/2023	12/31/2023	WORK	10	No Comment	1453

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Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

Count: 1

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AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
01/01/2024	01/31/2024	FLAT	31	No Comment	1422
01/01/2024	01/31/2024	STAT	20	No Comment	1402
01/01/2024	01/31/2024	WORK	10	No Comment	1392
02/01/2024	02/29/2024	FLAT	29	No Comment	1363
02/01/2024	02/29/2024	STAT	20	No Comment	1343
02/01/2024	02/29/2024	WORK	10	No Comment	1333
03/01/2024	03/31/2024	FLAT	31	No Comment	1302
03/01/2024	03/31/2024	STAT	20	No Comment	1282
03/01/2024	03/31/2024	WORK	10	No Comment	1272
04/01/2024	04/30/2024	FLAT	30	No Comment	1242
04/01/2024	04/30/2024	STAT	20	No Comment	1222
04/01/2024	04/30/2024	WORK	10	No Comment	1212
05/01/2024	05/31/2024	FLAT	31	No Comment	1181
05/01/2024	05/31/2024	STAT	20	No Comment	1161
05/01/2024	05/31/2024	WORK	10	No Comment	1151
06/01/2024	06/30/2024	FLAT	30	No Comment	1121
06/01/2024	06/30/2024	STAT	20	No Comment	1101
06/01/2024	06/30/2024	WORK	10	No Comment	1091
07/01/2024	07/31/2024	FLAT	31	No Comment	1060
07/01/2024	07/31/2024	STAT	20	No Comment	1040
07/01/2024	07/31/2024	WORK	10	No Comment	1030
08/01/2024	08/31/2024	FLAT	31	No Comment	999
08/01/2024	08/31/2024	STAT	20	No Comment	979
08/01/2024	08/31/2024	WORK	10	No Comment	969
09/01/2024	09/30/2024	FLAT	30	No Comment	939
09/01/2024	09/30/2024	STAT	20	No Comment	919
09/01/2024	09/30/2024	WORK	10	No Comment	909
10/01/2024	10/31/2024	FLAT	31	No Comment	878
10/01/2024	10/31/2024	STAT	20	No Comment	858
10/01/2024	10/31/2024	WORK	10	No Comment	848
11/01/2024	11/30/2024	FLAT	30	No Comment	818
11/01/2024	11/30/2024	STAT	20	No Comment	798
11/01/2024	11/30/2024	WORK	10	No Comment	788
12/01/2024	12/31/2024	FLAT	31	No Comment	757
12/01/2024	12/31/2024	STAT	20	No Comment	737
12/01/2024	12/31/2024	WORK	10	No Comment	727
01/01/2025	01/31/2025	FLAT	31	No Comment	696
01/01/2025	01/31/2025	STAT	20	No Comment	676
01/01/2025	01/31/2025	WORK	10	No Comment	666
02/01/2025	02/28/2025	FLAT	28	No Comment	638
02/01/2025	02/28/2025	STAT	20	No Comment	618
02/01/2025	02/28/2025	WORK	10	No Comment	608
03/01/2025	03/31/2025	FLAT	31	No Comment	577

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Offender: BARRAL, DUSTIN - 0001108615

Sentence: 3

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AG_181260_3	09/18/2017	1574	05/28/2013	26y 0m 0d	9496	09/27/2023	01/02/2026	A

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
03/01/2025	03/31/2025	STAT	20	No Comment	557
03/01/2025	03/31/2025	WORK	10	No Comment	547
04/01/2025	04/30/2025	FLAT	30	No Comment	517
04/01/2025	04/30/2025	STAT	20	No Comment	497
04/01/2025	04/30/2025	WORK	10	No Comment	487
05/01/2025	05/31/2025	FLAT	31	No Comment	456
05/01/2025	05/31/2025	STAT	20	No Comment	436
05/01/2025	05/31/2025	WORK	10	No Comment	426
06/01/2025	06/30/2025	FLAT	30	No Comment	396
06/01/2025	06/30/2025	STAT	20	No Comment	376
06/01/2025	06/30/2025	WORK	10	No Comment	366
07/01/2025	07/31/2025	FLAT	31	No Comment	335
07/01/2025	07/31/2025	STAT	20	No Comment	315
07/01/2025	07/31/2025	WORK	10	No Comment	305
08/01/2025	08/31/2025	FLAT	31	No Comment	274
08/01/2025	08/31/2025	STAT	20	No Comment	254
08/01/2025	08/31/2025	WORK	10	No Comment	244
09/01/2025	09/30/2025	FLAT	30	No Comment	214
09/01/2025	09/30/2025	STAT	20	No Comment	194
09/01/2025	09/30/2025	WORK	10	No Comment	184
10/01/2025	10/31/2025	FLAT	31	No Comment	153
10/01/2025	10/31/2025	STAT	20	No Comment	133
10/01/2025	10/31/2025	WORK	10	No Comment	123
11/01/2025	11/30/2025	FLAT	30	No Comment	93
11/01/2025	11/30/2025	STAT	20	No Comment	73
11/01/2025	11/30/2025	WORK	10	No Comment	63
12/01/2025	12/31/2025	FLAT	31	No Comment	32
12/01/2025	12/31/2025	STAT	20	No Comment	12
12/01/2025	12/31/2025	WORK	10	No Comment	2
01/01/2026	01/02/2026	FLAT	2	No Comment	0
01/01/2026	01/02/2026	STAT	0	No Comment	0
01/01/2026	01/02/2026	WORK	0	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.

EXHIBIT F

Declaration of Kristy Rodriguez

EXHIBIT F

DECLARATION OF KRISTY RODRIGUEZ

STATE OF NEVADA)
 : ss.
CARSON CITY)

I, KRISTY RODRIGUEZ, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am employed by the State of Nevada Department of Corrections (NDOC) as a Program Officer III in the Offender Management Division. I have been employed by the Nevada Department of Corrections (NDOC) for over eighteen years.

2. Inmate Dustin Barral, #1108615, is currently incarcerated at the Lovelock Correctional Center.

3. NDOC uses the terms “days” and “credits” interchangeably. One day equals one credit. NDOC does not utilize a mathematical formula to reduce the number of meritorious credits or days earned by an inmate.

4. An inmate’s maximum sentence is projected so that the NDOC, Parole Board and the inmate have some idea of when the inmate will complete their sentence. In order to project the expiration date, NDOC assumes every inmate will receive their full day-for-day credits (“FLAT” on credit history report); the full statutory or “good-time” credits (“STAT”); and 10 credits, the maximum number of work or labor credits an inmate may earn each month until 0 days remain. The inclusion of WORK attempts to account for any additional credits an inmate may earn. Each month, the actual credits earned by the inmate are entered. If the inmate earns the full FLAT, STAT and WORK credits for the month, the projected expiration date will not change. If the inmate earns additional meritorious credits, they receive the full credits/days earned and the number of “Days Remaining” moves the actual expiration date up. To compensate for the additional credits, however, the projected FLAT, STAT and WORK credits also reduce. Based upon the reduction of projected credits, the projected expiration date appears to reduce by only half of the actual credits earned. Nevertheless, the inmate receives the full days/credits from their sentence.

5. The Nevada Attorney General’s Office asked me to investigate claims by Barral of

credits owed for several completed courses and AB 241 (COVID) credits. Below is a summary of the credits claimed by Barral:

#	Date Earned	Description	Merit Credit Earned	Days Owed
1	07/18	College Certificate	60	30
2	03/01/20-02/01/21	AB 241 COVID Days	60	30
3	01/01/22	College Certificate	60	30
4	01/01/22	Exceptional GPA	60	30
5	07/22	1st Associate Degree	120	60
6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
9	?	Getting It Right	30	30
10	?	3rd Associate's Degree		

To track these various entries below, I use the numbers in the left column.

6. As to #2, Barral received the 5 credits a month, for a total of 60 credits, permitted by AB 241 (2021), between March 2020 and February 2021. This is reflected on pages 7-8 of his credit history report.

7. Items 1, 3-8 and 10 are educational credits. The Education Department approved Barral to receive credit for the following four entries:

- 08/27/18-05/19/19 – College Certificate, approved 07/24/19 (#1)
- 08/20/19-05/20/22 – Associate of Arts – General Studies, approved 08/24/22 (#5)
- 08/20/19-08/20/22 – Exceptional Credit for AA Bus Administration, approved 08/24/22 (#4)
- 08/20/19-08/20/22 – Associate of Arts, approved 02/16/23 (#3)

I have no other paperwork or approved entries by the Education Department for Barral.

8. I confirmed with LCC staff, who reviewed Barral's I-File to determine what credits he was approved to receive, and confirmed the same with the Education Department. An I-File, short for Institutional File, contains, in part, certifications and notations of meritorious, educational and program credits earned by an inmate. For Barral, I confirmed the following entries:

- 08/20/19-05/20/22 – 60 credits for Exceptional Merit: High GPA- Associate of General Studies 3.82 GPA (#4)
- 08/20/19-05/20/22 – 120 credits for 1st Associate's Degree (#5)
- 06/20/22 – 30 credits Getting It Right (#9)
- 08/20/19-12/17/21 – 60 credits Exceptional Merit: GPA – Certificate of Achievement Business Administration 3.87 GPA, but with notation that Barral was not eligible for the credits because he already earned a College Certificate
- 08/20/19-12/17/21 – 60 credits Community College Certificate of Achievement – Business Administration, but with notation that Barral was not eligible for the credits because he already earned college credit

Based upon the notations on the last two entries, the Education Department recognized but refused to issue credit to Barral because he earned the available credits before.

9. I am aware that Barral received an official response to Informal Grievance #20063138247, noting Exceptional GPA did not count against his 90-day annual meritorious credit limit. The grievance specifically addressed a merit award for completing "Certificate of Achievement-Business Emphasis from Great Basin College and Exceptional Credit," and was resubmitted to the Education Department "for their review and/or posting to your sentence structure." The official response only permitted resubmission of credits for the specific certificate to the Education Department, which was approved and applied as #4. That response did not address any additional claims for Exceptional GPA. I have no confirmation of the Exceptional GPA contained in #6 and 8.

10. As to Getting It Right, that program is worth 30 credits. The entry on Barral's credit history reads: "Getting It Right: Contributing to the Community: 90" with 0 credits entered. Barral therefore received recognition in 2022 for completing the program, but did not receive credit for it. In 2022, before the Getting It Right entry, Barral already received 60 credits for College Certificate (#3) and 30 credits for Victim Impact: Listen and Learn. Between those two courses, he therefore received the maximum of 90 days credit for exceptional meritorious service for 2022.

NRS 209.4465(5). Barral could not receive the additional 30 credits for Getting It Right.

11. Based upon my review, I confirmed on Barral's credit history report that he received full credit/days for the following as noted in the final column:

#	Date Earned	Description	Merit Credit Earned	Credit History Report
1	07/18	College Certificate	60	Pg 5
2	03/01/20-02/01/21	AB 241 COVID Days	60	Pg 7-8
3	01/01/22	College Certificate	60	Pg 9
4	01/01/22	Exceptional GPA	60	Pg 9
5	07/22	1st Associate Degree	120	Pg 6
6	07/22	Exceptional GPA	60	
7	01/23	2nd Associate Degree	90	
8	01/23	Exceptional GPA	60	
9	03/22-06/22	Getting It Right	30	Pg 9
10	?	3rd Associate's Degree		

I am unable to confirm completion and approval for #6, 7, 8, or 10.

Pursuant to NRS 53.045, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

Dated this 9th day of May, 2023.



KRISTY RODRIGUEZ

EXHIBIT G

Burt v. Warden, No
51497, 238 P.3d 799,
2008 WL 6070832
(Nev. Aug. 29, 2008)

EXHIBIT G

124 Nev. 1455
Unpublished Disposition
Supreme Court of Nevada.

Richard G. BURT a/k/a Richard Glen Burt,
Appellant,
v.
WARDEN, Lovelock Correctional Center, Jack
Palmer, Respondent.

No. 51497.
|
Aug. 29, 2008.

Synopsis

Background: Postconviction petition for writ of habeas corpus was filed, challenging Department of Corrections' computation of petitioner's time served and raising claims for additional credits. The Sixth Judicial District Court, Pershing County, [Richard Wagner, J.](#), denied the petition, and petitioner appealed.

Holdings: The Supreme Court held that:

[1] document purporting to show Department's method of calculating good time credits failed to support petitioners' claim, and

[2] petitioner failed to support claims for additional credits with specific factual allegations.


Affirmed.

Procedural Posture(s): On Appeal.



West Headnotes (2)

[1] Habeas Corpus Sentence and punishment

Document, allegedly used by Department of Corrections in calculating habeas petitioner's statutory good time credits, failed to support petitioner's claim that Department had miscalculated his credits; document, purporting to show that Department gave only six days off from petitioner's sentence for every 10 credits

earned, was unauthenticated, Attorney General denied that Department used the document, and petitioner's own time credit logs showed that Department treated a credit the same as a day, for purposes of calculation. West's  [NRSA 209.4465](#).

[2] Habeas Corpus Sentence and punishment; parole

Habeas petitioner failed to support habeas claims for additional credits against his sentence with specific factual allegations demonstrating entitlement, including credits for presentence confinement, work time credit, and educational and drug treatment credits; petitioner failed to set forth the specific number of credits he should have received, failed to set forth dates regarding the duration of confinement at question, and failed to identify programs for which he should have received additional credits. West's  [NRSA 209.448](#),  [209.449](#).

Attorneys and Law Firms

[Richard G. Burt](#)

Attorney General Catherine Cortez Masto/Carson City

ORDER OF AFFIRMANCE

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

On October 24, 2003, the district court convicted appellant, pursuant to a guilty plea, of one count of voluntary manslaughter with the use of a deadly weapon. The district court sentenced appellant to serve two consecutive terms of 48 to 120 months in the Nevada State Prison. The district court provided appellant with 822 days of presentence credit for time served.

On December 18, 2007, appellant filed a proper person postconviction petition for a writ of habeas corpus in the district court challenging the computation of time served, raising claims for additional credits, and raising a number of claims alleging the violation of various constitutional rights. The State opposed the petition. Pursuant to [NRS 34.750](#) and [NRS 34.770](#), the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On April 14, 2008, the district court denied the petition. This appeal followed.

Computation of Time Served Claim

^[1] In his petition, appellant claimed that the Nevada Department of Corrections (the Department) had denied him the proper amount of statutory good time, work time and meritorious credits. Appellant supported his petition with a document purportedly used by the Department labeled, “NDOC’s Merit Credit System.” The document contained a statement indicating that one credit was not equal to one 24-hour day. Thus, despite the fact that [NRS 209.4465](#), prior to July 1, 2007, provided for 10 days of credit per month for statutory good time, 10 days of credit per month for work time, and various other credits for educational and meritorious endeavors, the Department used a mathematical formula of 1.667 to reduce 10 credits to “6 days off.”¹ Appellant claimed that this alleged reduction of credits deprived him of a number of state and federal constitutional rights.²

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. First, the Attorney General stated below that the document relied upon by appellant was not authenticated and was not used by the Department. The Attorney General submitted appellant’s time audit logs verifying that appellant’s credits have not been reduced by any mathematical formula. A review of the time audit logs further demonstrates that the Department treats a “credit” the same as a “day.” Therefore, appellant failed to demonstrate that he was entitled to additional credits based on his computation claim.

The document relied upon by appellant, which was not shown to be used or endorsed by the Department, is facially inaccurate as it contains misleading statements and assumptions relating to statutory good time, work time and meritorious credits. The document states:

1. By Nevada law, merit credits can only be applied against an inmate’s maximum sentence, not the minimum. In other words, merit credits reduce a Mandatory Parole Release (MPR) date, but not a Parole Eligibility Date (PED).

*2 2. One “merit credit” does not equal one 24-hour day. To figure exact value of merit credits in reducing a maximum sentence, divide # of merits credits by 1.667 then round it up to the next number.



10 credits = 6 days off



There are obvious problems with these statements as they relate to statutory credits earned pursuant to NRS chapter 209. First, pursuant to the version of [NRS 209.4465](#) primarily relied upon by appellant in his petition, statutory good time, work time and meritorious credits were to be deducted from the maximum sentence and applied to eligibility for parole unless the offender was sentenced pursuant to a statute which specified a minimum sentence that must be served before a person becomes eligible for parole.³ Second, the conclusion that “10 credits = 6 days off” is an incorrect mathematical expression of the data. Rather, based upon an inmate earning a potential maximum of 1.667 credits for each day served in the Department’s custody, an inmate will have accrued 10 credits, or 10 days to be deducted, after serving only 6 days in the Department’s custody.⁴ There is simply no support for the statement that one credit is anything less than a 24-hour day. The time audit of appellant’s credits amply demonstrated this point.

Finally, to the extent that appellant claimed that he should receive 20 days of credit retroactive to the effective date of the amendments of [NRS 209.4465](#), appellant’s claim was patently without merit. The legislature specifically provided that the increased amount of credits would not apply retroactively to an offender in appellant’s position—an offender who has committed a Category B felony and a crime involving the use or threat of force or violence against the victim.⁵ Appellant failed to demonstrate that different treatment based upon his status as a Category B felon and violent offender violated his equal protection rights.⁶ Therefore, we conclude that the district court did not err in denying appellant’s computation of time served claim and his claim that his constitutional rights were violated by the Department’s manner of computation of

time served.

Claim for Additional Credits

^[2] Next, appellant claimed that he was entitled to additional credits as follows: (1) statutory good time credits for presentence confinement in the Clark County Detention Center; (2) work time credit for periods when he was unemployed or not engaged in study when there were no opportunities available to him for work or study; (3) good time credit for the time he was on institutional parole from the sentence for the primary offense of voluntary manslaughter with the use of a deadly weapon; (4) statutory credits for completion of a program of treatment for the abuse of alcohol or drugs pursuant to  [NRS 209.448](#) for his participation in Inside Straight and Alcoholics and Narcotics Anonymous; (5) credit pursuant to  [NRS 209.449](#) for vocational, education and training for his completion of Life Skills Program, Inside Straights, Anger Management and Tolerance, Inside Straights (narcotics anonymous), Survival Skills, Microsoft Works 2000, Keyboarding, Word I, Word II, 006 Business Certificate # 1, Domestic Violence, Parenting, Life Science; (6) credits for a high school diploma; and (7) credit for 4 additional programs that he did not get certificates after completion.

***3** Appellant failed to demonstrate that he was entitled to any additional credits in the instant case. Appellant's claims were not supported by specific factual allegations demonstrating an entitlement to additional credits.⁷ Notably, appellant failed to set forth the specific number of credits he should have received for each of the areas identified above. Appellant further failed to set forth dates regarding the duration of confinement at question or dates relating to periods of work or study during which he was "unemployed" and received no credit. Appellant further failed to identify the 4 additional programs for which he did not get certificates for completion. The Attorney General submitted appellant's time audit log below and the log indicated that appellant received credit for a high school diploma and a business certificate. The Attorney General also submitted an affidavit from the Education Coordinator that appellant was not entitled to separate credit for Microsoft Works 2000, Keyboarding, Word I, Word II and Life Science as these courses were part of the coursework for the business certificate and the high school diploma. The Attorney General also submitted documents indicating that the remaining coursework identified by appellant did not qualify for credits pursuant to  [NRS 209.448](#) and  [NRS 209.449](#). Therefore, we conclude

that the district court did not err in denying appellant's claim for additional credits.

Additional Claims

Appellant raised a number of additional claims in his petition: (1) the Department has not properly classified his security level; (2) prison officials treat prisoners inhumanely and appellant sought prosecution of these officials and a writ of mandamus preventing officials from further harassment, oppression, threats or other inappropriate conduct directed against him for exercising his rights; (3) a writ of mandamus should issue to expunge his inmate file; (4) a writ of prohibition should issue to prevent prison officials from "door calls" during tier time which are used to harass prisoners and heighten tensions at the prison; (5) a writ of mandamus should issue to require respondents to supply appellant with copies of an administrative regulation and institutional policy relating to cell searches; (6) the Department should not be allowed to fly the American flag in Unit 5 based upon the violation of his rights and the conduct of the prison officials would be treason against the United States of America if any other persons engaged in such conduct; (7) subpoenas should be issued to the Director and the timekeeper; and (8) prisoners across the State were denied constitutional rights because of the conditions of confinement.

Because these claims challenge the conditions of confinement or allege violations of civil rights, they were inappropriately raised in the petition for a writ of habeas corpus.⁸ Therefore, the district court did not err in denying habeas corpus relief on these claims.

Conclusion








***4** Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹⁰

All Citations

124 Nev. 1455, 238 P.3d 799 (Table), 2008 WL 6070832

Footnotes

- ¹ Appellant primarily relied upon the version of  [NRS 209.4465](#) in effect prior to July 1, 2007. *See* 2003 Nev. Stat., ch. 426, § 8, at 2577–78.
- ² To the extent that appellant sought relief on behalf of other inmates, we conclude that the district court did not err in limiting its consideration of the petition to the claims as they impacted appellant only.
- ³ *See* 2003 Nev. Stat., ch. 426, § 8, at 2577–78. We note that the legislature has since amended  [NRS 209.4465](#) to increase the amount of statutory good time credits and to allow the credits earned pursuant to  [NRS 209.4465](#) to be deducted from the minimum and maximum terms for certain offenders. *See* 2007 Nev. Stat., ch. 525, § 5, at 3176–77. Appellant was ineligible to have statutory credits applied to reduce the minimum term below the statutory threshold because he was convicted of voluntary manslaughter, a crime punishable as a Category B felony and involving force or violence against the victim. *See*  [NRS 209.4465\(8\)\(a\), \(d\)](#); *see also* [NRS 200.080](#). The record on appeal indicates that beginning July 1, 2007, appellant began to receive 20 days of statutory good time credits per month.
- ⁴ Mathematically, this calculation is expressed as:
- 6 (days) x 1.667 (the amount of credits earned each day) = 10 credits or 10 days.
- The amount of credits earned each day, 1.667, was reached by taking the potential maximum of flat, statutory good time and work time credits earned by an inmate in a one month period (30 + 10 + 10 = 50) and dividing that sum by the number of days in the month (30) for a daily credit earning rate of 1.667. With the amendments to  [NRS 209.4465](#), the potential maximum daily credit earning rate as of July 1, 2007, was increased to 2.334.
- ⁵ *See* 2007 Nev. Stat., ch. 525, § 5, 21, at 3177, 3196.
- ⁶ *See Armijo v. State*, 111 Nev. 1303, 904 P.2d 1028 (1995); *see also*  [Plyler v. Doe](#), 457 U.S. 202, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982). To the extent that appellant claimed that these exclusions were required to be submitted to a jury, appellant’s claim was patently without merit.
- ⁷ *See*  [Hargrove v. State](#), 100 Nev. 498, 686 P.2d 222 (1984).
- ⁸ [Bowen v. Warden](#), 100 Nev. 489, 686 P.2d 250 (1984).

⁹ See *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

¹⁰ We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

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EXHIBIT H

Wellington v. State, No.
51430, 238 P.3d 865,
2008 WL 6085802
(Nev. July 16, 2008)

EXHIBIT H

124 Nev. 1517
Unpublished Disposition
Supreme Court of Nevada.

Kevin M. WELLINGTON, Appellant,
v.
The STATE of Nevada, Respondent.

No. 51430.
|
July 16, 2008.

Attorneys and Law Firms

Kevin Wellington

Attorney General Catherine Cortez Masto/Carson City

ORDER OF AFFIRMANCE

*1 This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; John M. Iroz, Judge.

On January 11, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the computation of time served. The State opposed the petition. Pursuant to [NRS 34.750](#) and [34.770](#), the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On April 1, 2008, the district court denied the petition. This appeal followed.

In his petition, appellant claimed that the Department of Corrections was not providing him with the proper amount of statutory good time credit. Appellant claimed that the Department was erroneously referring to statutory good time credit earned pursuant to [NRS 209.4465](#) as “credits” rather than “days.” Appellant further claimed that the Department failed to adjust his projected expiration date by 830 days pursuant to the 2007 amendments increasing the amount of statutory good time credit earned pursuant to [NRS 209.4465](#).

The 2007 Nevada Legislature amended [NRS 209.4465](#) to increase the amount of statutory good time credits earned by an offender, who had committed a crime on or after July 1, 1997, from a deduction of 10 days per month to a deduction of 20 days per months.¹ The Legislature further provided that for certain offenders these credits would be applied to eligibility for parole and must be deducted from the minimum term imposed until the offender becomes eligible for parole.² In determining the effect of the amendments, the Legislature provided that the amendment enacted in [NRS 209.4465\(8\)](#), the provision applying credits to the minimum term for certain offenders, applied retroactively to July 1, 2000, to reduce the minimum term of imprisonment of an offender described in [NRS 209.4465\(8\)](#), who was in the custody of the Nevada Department of Corrections on and before July 1, 2007.³ Notably, the provision allowing for the application of statutory good time credits to a minimum term of imprisonment does not apply to offenders convicted of Category A or B felonies or those convicted of felony crimes involving the use or threatened use of force or violence against the victim.⁴ Thus, an offender excluded from retroactive application of credits may earn 20 days of statutory good time credits beginning July 1, 2007, and those credits must be deducted from the maximum term to be served and would apply to eligibility for parole unless the offender was sentenced pursuant to a statute specifying a minimum term.⁵

Based upon review of the record on appeal, we conclude that the district court did not err in denying the petition. Appellant failed to provide any specific facts or argument demonstrating that the Department incorrectly calculated his credit in the instant case.⁶ Because appellant was convicted of robbery and attempted murder, appellant was not entitled to have the increased amount of statutory good time credits retroactively applied in the instant case, but was only entitled to have the increased amount of credit applied starting July 1, 2007.⁷ The Attorney General submitted appellant’s time audit logs verifying that appellant has received the proper amount of credit pursuant to [NRS 209.4465](#). In their response below, the Attorney General noted that the Department treats a “credit” the same as a “day.” A review of the time audit logs further demonstrates that the Department treats a “credit” the same as a “day.”

*2 Finally, it appears that appellant mistakenly believed that credits earned or to be earned in the future were deducted from the projected expiration date rather than from the maximum sentence.⁸ A projected expiration date

is calculated upon an assumption that an inmate earns the potential maximum statutory good time and work time credits every month served. However, the statutory credits earned are not deducted from the projected expiration date but from the maximum sentence and may apply to the parole eligibility date under certain circumstances.⁹ The failure to earn the potential maximum statutory good time and work credits or the forfeiture of credits will cause a projected expiration date to move farther out while the earning of meritorious credits will cause the projected expiration date to move closer.¹⁰ In the instant case, appellant has not consistently worked; therefore, his projected expiration date would have been recalculated farther out each month that he failed to earn the maximum potential work time credits. In the instant case, the increase of statutory good time credits available July 1, 2007, would have been deducted from the maximum sentence and not the projected expiration date and a new projected

expiration date would have been calculated.¹¹ Because appellant failed to demonstrate that he was entitled to additional credits, we affirm the order of the district court denying the petition.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.¹² Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹³

All Citations

124 Nev. 1517, 238 P.3d 865 (Table), 2008 WL 6085802

Footnotes

¹ 2007 Nev. Stat., ch. 525, § 5, at 3176 (NRS 209.4465(1)).

² 2007 Nev. Stat., ch. 525, § 5, at 3177 (NRS 209.4465(8)).

³ 2007 Nev. Stat., ch. 525, § 21, at 3196.

⁴ NRS 209.4465(8)(a), (d).

⁵ NRS 209.4465(1), (7), (8); see also 2007 Nev. Stat., ch. 525, § 21, at 3196.

⁶ See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

⁷ NRS 209.4465(1), (7), (8); see also 2007 Nev. Stat., ch. 525, § 21, at 3196. We note that the documents before this court indicate that appellant discharged a sentence for conspiracy to commit a violent crime in 2006.

⁸ The maximum sentence is the amount of time that must be served to discharge the sentence imposed by the district court. The maximum sentence may be reduced by statutory good time, work time and other credits. See NRS

209.4465.

⁹ See  NRS 209.4465(7).

¹⁰ A projected expiration date is only estimation, and it therefore must be recalculated to reflect the actual credit earnings of the inmate.

¹¹ However, as explained above, the new projected expiration date is not simply a deduction of 830 days from the old projected expiration date. The increased amount of credits will be deducted from the maximum sentence appellant must serve to discharge.

¹² See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

¹³ In light of this court's disposition, we deny appellant's motion and documents seeking the appointment of counsel in this appeal.

EXHIBIT I

Henry v. State, No.
52490, 281 P.3d 1180,
2009 WL 1491045
(Nev. Feb. 4, 2009)

EXHIBIT I

281 P.3d 1180 (Table)
Unpublished Disposition
Supreme Court of Nevada.

Kevin A. HENRY, Appellant,
v.
The STATE of Nevada, Respondent.

No. 52490.
|
Feb. 4, 2009.

Attorneys and Law Firms

Kevin A. Henry

Attorney General Catherine Cortez Masto/Carson City

Clark County District Attorney David J. Roger

*ORDER OF AFFIRMANCE AND DISMISSING APPEAL
IN PART*


***1** This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus and a purported decision denying a motion for amended judgment of conviction for additional presentence credits. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

On September 25, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of attempted sexual assault on a minor under the age of fourteen. The district court sentenced appellant to serve a term of 24 to 120 months in the Nevada State Prison. The district court provided appellant with 236 days of credit for time served. No direct appeal was taken.

On June 19, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging statutory credits and the computation of time served. The State filed a motion to dismiss the petition. On August 7, 2008, appellant filed a motion for amended judgment of conviction for additional presentence credits. On August 11, 2008, appellant filed a motion for leave to file an amended petition to cure the

defects in the original petition, namely the form of the petition and the service of the petition on the proper parties. On August 22, 2008, the State filed a response to the motion for an amended judgment of conviction indicating that appellant was entitled to additional presentence credits. On August 25, 2008, the district court conducted a hearing and determined that appellant was entitled to 448 days of additional credit for time served and that an amended judgment of conviction should be prepared. On October 7, 2008, the district court entered an order dismissing the habeas corpus petition. Appellant filed a notice of appeal from the order dismissing the habeas corpus petition and a second notice of appeal from a purported order denying the motion to amend the judgment of conviction. Both notices of appeal were docketed in this matter.




Post-Conviction Petition for a Writ of Habeas Corpus

In his petition, appellant claimed that the Nevada Department of Corrections (the Department) incorrectly calculated his statutory good time, work time, and meritorious credits. Appellant claimed that he should have received 20 days of statutory good time credit per month pursuant to  [NRS 209.4465](#) for a total of 850 days of statutory good time credits. Appellant further claimed that he should receive 10 days of work credit per month for a total of 600 days of credits. Appellant appeared to claim that the failure of the prison to provide enough jobs deprived him of earning work credits and that the Department applied a mathematical formula to reduce days to credits. Finally, appellant appeared to claim that he was entitled to additional meritorious credits.

The district court dismissed the petition because the petition had been filed in the original criminal case. The district court further noted the petition was not in the proper form and appellant failed to serve a copy on the Attorney General and the Warden. Finally, the district court noted the petition was without merit.

***2** We conclude that the district court erred in determining the petition was procedurally defective. First, the errors identified by the district court were curable defects and did not necessitate the dismissal of the petition with prejudice. See [Miles v. State](#), 120 Nev. 383, 91 P.3d 588 (2004). The filing of the petition in the original criminal case appears to be a filing issue for the district court clerk's office.¹ Appellant did in fact cure several of the defects in the original filing with his amended petition, which was filed

in the district court prior to the district court's resolution of the petition. Regardless of this error, we affirm the order of the district court because the district court correctly determined that the petition was without merit.

Appellant failed to demonstrate that he was entitled to any additional statutory credits in the instant case. Appellant's claims for additional relief were bare and naked claims lacking specific facts.  *Hargrove v. State*, 100 Nev. 498, 686 P.2d 222 (1984). Further, the credit history log provided by appellant amply demonstrated that the Department treats the credits earned pursuant to  [NRS 209.4465](#) as "days" and did not reduce the credits by any mathematical formula. The credit history log indicated appellant received statutory good time credits in compliance with  [NRS 209.4465](#). The credit history log further indicated that appellant received statutory work credits during his incarceration in the instant case, and appellant failed to demonstrate that he was entitled to any additional work credits. To the extent that appellant complained that the prison did not provide an adequate number of jobs, that complaint is a challenge to the conditions of confinement, which is not cognizable in a petition for a writ of habeas corpus. *Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984).

Motion for Amended Judgment of Conviction for Additional Presentence Credits

In his motion, appellant claimed that he was entitled to 236 days of presentence credits for time spent in custody from January 9, 2004 through August 25, 2004. In responding to the motion, the State noted that appellant already received the credits he identified, but that he was entitled to additional presentence credits for the time spent in custody from October 9, 2002 through December 31, 2003. The district court determined that appellant was entitled to additional presentence credits in the amount of 448 days. Because the district court granted the motion, appellant was not an aggrieved party, and thus, this court lacks jurisdiction over this portion of the appeal.²

Having reviewed the record on appeal and for the reasons set forth above, we conclude that oral argument and briefing are unwarranted in this matter. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975). Accordingly, we

ORDER the judgment of the district court AFFIRMED and, DISMISSED IN PART.

All Citations

281 P.3d 1180 (Table), 2009 WL 1491045

Footnotes

¹ Even if a petitioner designated a criminal case number on the face of his petition, nothing would prevent the clerk of the district court from filing the petition as a separate action.

² We note that subsequent to the filing of the record on appeal in this court, the district court entered an amended judgment of conviction on November 3, 2008 in the district court.

EXHIBIT J

Ayala v. State, No.
52107, 238 P.3d 793,
2008 WL 6124786 at
*1 (Nev. Dec. 17, 2008)

EXHIBIT J

124 Nev. 1450
Unpublished Disposition

**This decision was reviewed by West editorial staff and
not assigned editorial enhancements.**

Supreme Court of Nevada.

Gustavo M. AYALA, Appellant,
v.
The STATE of Nevada, Respondent.

No. 52107.
|
Dec. 17, 2008.

Attorneys and Law Firms

Gustavo M. Ayala


Attorney General Catherine Cortez Masto/Las Vegas

ORDER OF AFFIRMANCE

***1** This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; David Wall, Judge.

On April 15, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. On July 8, 2008, the district court denied the petition. This appeal followed.

In his petition, appellant challenged the computation of time served. Specifically, appellant claimed that he should

have received 20 days of statutory good time credit per month from the date of sentencing, June 19, 2005. Appellant further claimed that he should have received 260 days of work credit for those periods of time that he tried to labor or study, but jobs were not available. Finally, he claimed the Nevada Department of Corrections [the Department] improperly calculated his credits by its own methodology contrary to  [NRS 209.4465](#).

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. Appellant failed to demonstrate that the Department improperly calculated his credits. Appellant was not entitled to receive 20 days of statutory good time credit per month from the date of sentencing, but rather appellant was eligible to receive 10 days of statutory good time credit per month from the date of sentencing through June 30, 2007, and 20 days of statutory good time credit per month from July 1, 2007, through the present.¹ A review of the credit history report attached to the State's opposition indicates that appellant received the correct amount of statutory good time credit and no mathematical formula had been applied to reduce his credits. Appellant failed to demonstrate that he was entitled to additional work credits. To the extent that appellant complained that the prison did not provide an adequate number of jobs, that complaint is a challenge to the conditions of confinement, which is not cognizable in a petition for a writ of habeas corpus.²



Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

All Citations

124 Nev. 1450, 238 P.3d 793 (Table), 2008 WL 6124786

Footnotes

¹ See  [NRS 209.4465\(1\)](#); 2003 Nev. Stat., ch. 426, § 8, at 2577; 2007 Nev. Stat., ch. 525, § 5, at 3176. The 2007 amendments increasing the amount of statutory good time credits did not apply retroactively because appellant was convicted of attempted murder, a category B felony. See 2007 Nev. Stat., ch. 525, § 21, at 3196;  [NRS 209.4465\(8\)\(a\),\(d\)](#); [NRS 200.030](#); [NRS 193.330\(1\)\(a\)](#).

² See *Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984).

³ See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

EXHIBIT K

Proposed Order Denying Petition

EXHIBIT K

Case No. 27CV-WR1-2023-0059
Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,
Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,
Respondent.

**ORDER DENYING PETITION FOR WRIT
OF HABEAS CORPUS AND
SUPPLEMENTAL BRIEF TO PETITION
FOR WRIT OF HABEAS CORPUS**

THIS MATTER comes before the Court on petitioner Dustin Barral's (Barral) Petition for Writ of Habeas Corpus and Supplemental Brief to Petition for Writ of Habeas Corpus. Having reviewed all pleadings, motions, documents, and exhibits on file, the Court makes the following findings of fact, conclusions of law, and order.

Barral is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC), assigned to Lovelock Correctional Center (LCC), pursuant to a judgment of conviction from the Eighth Judicial District Court. That court adjudged Barral guilty of Count 1, attempt sexual assault with a minor under fourteen years of age; and Count 2, child abuse, neglect or endangerment, both category B felonies, and sentenced him to an aggregate total of 124-312 months. Barral committed his crimes on or about July 2010. Pursuant to NDOC, his projected parole eligibility is September 27, 2023, and projected expiration date is January 17, 2026.

NDOC is responsible for calculating an inmate's sentence. NRS 209.4465 applies to inmates who committed their crimes on or after July 1997.

This Court finds that NRS 209.4465 interchangeably refers to credits and days. *See* NRS 209.4465(1) (applying statutory or "good time" deduction of "20 days"); 209.4465(2) (Director may allow deduction of "not more than 10 days of credit each month" for labor and study); *id.* (offender can

1 earn specific “days” as education “credits”); 209.4465(3) (Director may allow “maximum of 90 days of
2 credit” for additional higher education degrees); 209.4465(4) (Director may allow “10 days of credit”
3 for certain programs up to “30 days of credit each month”); 209.4465(5) (Director may allow up to “90
4 days of credit each year” for exceptional meritorious credit). The Nevada Supreme Court has repeatedly
5 found that the NDOC treats a “credit” the same as a “day.” *Burt v. Warden*, No 51497, 238 P.3d 799,
6 2008 WL 6070832 at *1 (Nev. Aug. 29, 2008); *Wellington v. State*, No. 51430, 238 P.3d 865, 2008 WL
7 6085802 (Nev. July 16, 2008) (same); *see also Henry v. State*, No. 52490, 281 P.3d 1180, 2009 WL
8 1491045 at *2 (Nev. Feb. 4, 2009) (finding NDOC properly applied “days” and did not reduce “credits”
9 by any mathematical formula); *Ayala v. State*, No. 52107, 238 P.3d 793, 2008 WL 6124786 at *1 (Nev.
10 Dec. 17, 2008) (same) (attached as Exhibits G-J, respectively).

11 The NDOC projects an inmate’s expiration date on their maximum sentence. That projection
12 includes “FLAT” or day-for-day credit served, “STAT” or days projected pursuant to NRS 209.4465(1)
13 known as “good time credit,” and “WORK” for anticipated work or labor credits, a maximum of 10
14 days each month pursuant to NRS 209.4465(2). The projection changes as the actual credits earned by
15 the inmate in a specific month are entered. When the actual credit is applied each month, it reduces the
16 number of projected FLAT, STAT and WORK credit. While the NDOC applies the full days and
17 credits an inmate earns and is approved to receive each month, because of the projection calculus, the
18 projected expiration date will not reflect the full deduction.

19 This Court finds that the NDOC’s projection calculus, while confusing, accurately reflects the
20 actual days and credits an inmate receives each month.

21 Addressing Barral’s specific arguments as to days/credits he earned, he argued the NDOC gave
22 him only half of the days he earned. Between his Petition and Supplemental Petition, Barral argued he
23 was owed additional days on up to ten specific educational, meritorious or program courses and days as
24 detailed below:

#	Date Earned	Description	Merit Credit Earned	Days Owed
1	07/18	College Certificate	60	30
2	03/01/20-02/01/21	AB 241 COVID Days	60	30
3	01/01/22	College Certificate	60	30
4	01/01/22	Exceptional GPA	60	30
5	07/22	1st Associate Degree	120	60

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
9	03/28/22-06/20/22	Getting It Right	30	30
10	?	3rd Associate's Degree ¹		

This Court notes that Barral did not attach any documentation to his Petition or Supplemental Petition that he completed and was approved to receive the days or credits for the listed courses. At most, in Exhibit 3 of his Supplemental Petition, he demonstrated that the NDOC agreed to resubmit a request for credit for Exceptional Credit GPA to the Education Department for reconsideration.

The NDOC properly applied days and credits towards Barral's sentence as reflected in his Credit History Report. Specifically, this Court confirms that Barral received the full days and credits owed for the following courses:

#	Date Earned	Description	Merit Credit Earned	Days Applied
1	07/18	College Certificate	60	60
2	03/01/20-02/01/21	AB 241 COVID Days	60	60
3	01/01/22	College Certificate	60	60
4	01/01/22	Exceptional GPA	60	60
5	07/22	1st Associate Degree	120	120

This Court finds that Barral both completed and was approved to receive the days and credits listed above.

Barral fails to demonstrate that he completed and was approved to receive credit for the following courses:

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
10	?	3rd Associate's Degree		

Finally, #9 refers to the course "Getting It Right: Contributing to the Community: 90" for which Barral received 0 credits. NDOC agrees that Barral completed this course but explains that he was not entitled to receive the 30 days credit for the court because he already maximized the additional credits he could receive in 2022. Specifically, Barral received 90 meritorious credits, in completing 60 credits

¹ The 3rd Associate's Degree is from Barral's original petition, in which he claimed he was owed credits for three Associate's Degrees.

1 for College Certificate and 30 credits for Victim Impact: Listen and Learn, in 2022 before completing
2 Getting It Right. Because Barral already received the full 90 days meritorious credit to which he was
3 entitled for 2022 pursuant to NRS 209.4465, he could not receive additional credit for Getting It Right.
4 This Court finds the NDOC properly found Barral was not entitled to receive additional credit for this
5 course.

6 The NDOC properly applied the full days/credits earned by Barral for the
7 program/meritorious/educational credits he completed and was approved to receive.

8 The Court deeming itself fully informed,

9 IT IS HEREBY ORDERED that Barral's Petition for Writ of Habeas Corpus and Supplemental
10 Brief to Petition for Writ of Habeas Corpus are **DENIED**.

11
12
13
14
15
16 Submitted by:

17 Dated this 10th day of May, 2023.

18 /s/ Heather D. Procter

19 Heather D. Procter
20 Chief Deputy Attorney General
21 State of Nevada
22 Office of the Attorney General
23 100 North Carson Street
24 Carson City, NV 89701-4717
25 (775) 684-1271 (phone)
26 (775) 684-1108 (fax)
27 hprocter@ag.nv.gov
28

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN J. BARRAL,

Appellant,

vs.

TIM GARRETT, WARDEN LOVELOCK

CORRECTIONAL CENTER,

Respondent.

RECORD ON APPEAL

PLEADINGS

VOLUME 3

Dustin Barral #1108615
1200 Prison Road
Lovelock, Nv 89419
Appellant, In Pro Per/Attorney

Heather Procter
Chief Deputy Attorney General
100 North Carson Street
Carson City, Nv 89701
Attorney for Respondents

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Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**OPPOSITION TO DUSTIN BARRAL'S
MOTION FOR ENTRY OF DEFAULT**

Respondent Warden Tim Garrett (Warden Garrett), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, opposes Petitioner Dustin Barral's (Barral) Motion for Entry of Default. Warden Garrett properly obtained an extension of time within which to answer the petition in this matter, and default is not permitted in a state habeas proceeding. This opposition is based on the following points and authorities, the attached exhibits, and all papers and pleadings on file.

POINTS AND AUTHORITIES

I. INTRODUCTION AND ISSUE STATEMENT

Barral filed a habeas petition and supplemental petition challenging the calculation of his time credits. On March 17, 2023, this Court ordered that Respondent to file a response only to the original petition within 45 days. The deadline for that response was May 1, 2023. Barral argues Respondent failed to file a response by the deadline and therefore this Court should grant him default.

Warden Garrett will show, first, that Respondent obtained an order from this Court extending the time within which to file the response to both the petition and supplemental petition to May 22, 2023. Second, default judgment is not an available remedy in a post-conviction habeas proceeding. The Court should deny Barral's Motion for Entry of Default.

///

1 **II. FACTS AND PROCEDURAL HISTORY**

2 Barral is an inmate in the lawful custody of the Nevada Department of Corrections, assigned to
3 Lovelock Correctional Center. *See* Petition, Supplemental Petition. Barral filed his original petition on
4 February 21, 2023, and his supplemental petition on March 28, 2023.

5 On March 17, 2023, this Court ordered Warden Garrett to file a response to Barral's original
6 petition by May 1, 2023. However, on May 1, 2023, Respondent filed a request for extension,
7 explaining Respondent was in the process of responding to both Barral's original and supplemental
8 petitions and required additional time to obtain information and a declaration from the Nevada
9 Department of Corrections in support of the answer. That same day, this Court granted the extension to
10 May 22, 2023.

11 **III. DISCUSSION**

12 **A. Legal Standard: Default Judgment Not Available In Habeas Corpus Action.**

13 The default and default judgment provisions of NRCP 55 do not apply to post-conviction habeas
14 proceedings. *Means v. State*, 120 Nev. 1001, 1019, 103 P.3d 25, 37 (2004). Even if the State fails to file
15 a timely response to the petition, default judgment does not apply. *Id.*

16 **B. Analysis: Barral Is Not Entitled To Default Judgment.**

17 As noted above, the Court granted Respondent an additional two weeks beyond the original due
18 date within which to respond to Barral's petition. Respondent did not err or miss the deadline.

19 Even if Respondent missed the response deadline, Barral is not entitled to default judgment.
20 Default judgment is not a remedy in this post-conviction habeas action based upon clearly established
21 state law.

22 ///

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1 **CONCLUSION**

2 This Court should deny Barral's Motion for Entry of Default. Respondent did not miss the
3 deadline for the response, and Barral cannot obtain a default in a habeas proceeding.

4 RESPECTFULLY SUBMITTED this 10th day of May,2023.

5 AARON D. FORD
6 Attorney General

7 By: /s/ Heather D. Procter
8 HEATHER D. PROCTER (Bar No. 8621)
9 Chief Deputy Attorney General
10 State of Nevada
11 Office of the Attorney General
12 100 North Carson Street
13 Carson City, Nevada 89701-4717
14 (775) 684-1271
15 (775) 684-1108
16 hprocter@ag.nv.gov
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 10th day of
3 May, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing,
4 **OPPOSITION TO DUSTIN BARRAL'S MOTION FOR ENTRY OF DEFAULT**, to the
5 following:

6 Dustin Barral # #1108615
7 c/o Lovelock Correctional Center
8 1200 Prison Road
9 Lovelock, NV 89419

10 /s/ Amanda White

1 Case No. 27CV-WR1-2023-0059

2 Pursuant to NRS 239B.030, the undersigned affirms that this document does
3 not contain any social security numbers.
4

5 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF PERSHING

7
8 Dustin Berral,

9 Petitioner,

OPPOSITION TO MOTION FOR EXTENSION OF TIME

10 v.

11 Tim Garrett, Warden LLC,

12 Respondent.

13 COMES NOW, Plaintiff, Dustin Berral, in pro se, asking this Courts to hear
14 this Opposition to Motion for Extension of Time and rule as appropriate.

15 On May 4, 2023 I recieved the Respondents Motion for Extension of Time which
16 was mailed on May 1, 2023. In the motion Chief Deputy AG Heather Procter, states
17 that she provided the NDOC her draft on 4/27/23 to amend as they saw fit. The
18 NDOC has not responded. This is typical for the NDOC, refusing to meet deadlines.
19 The Respondent waited until day 45 to file, this does not seem to fit as soon as
20 possible.

21 The Petitioner asks this Court to deny this request for extension of
22 time. Additionally, if this Court refuses to deny then the Petitioner asks this
23 Court to only approve a 14 day extension of time. This would give the Respondent
24 59 total days (2 months) which is more than fair in this case.


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26 Dated this 5 day of May, 2023.

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Dustin Barral #1108615
LCC
1200 Prison Rd
Lovelock, NV 89419
Petitioner in Pro Se


CERTIFICATE OF SERVICE

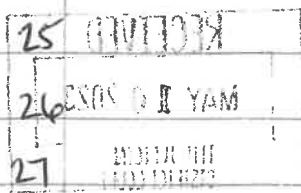
I do certify that I mailed a true and correct copy of the foregoing OPPOSITION TO MOTION FOR EXTENSION OF TIME on 5 day of May, 2023, by placing the same in the US Mail pursuant to NRCPS(b) to the following address(es):

Warden Tim Garrett
LCC
1200 Prison Rd
Lovelock, NV 89419

NV Attorney General
100 N. Carson St
Carson City, NV 89701

Dated this 5 day of May, 2023


Dustin Barral #1108615
LCC
1200 Prison Rd
Lovelock, NV 89419
Petitioner in Pro Se



Case No. 27CV-WR1-2023-0059

Pursuant to NRS 229B.030, the undersigned affirms

That this document does not contain social security numbers.

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**ORDER DENYING BARRAL'S MOTION
FOR ENTRY OF DEFAULT**

THIS MATTER comes before the Court on petitioner Dustin Barral's (Barral) Motion for Entry of Default. He argues Respondent Warden Tim Garrett (Warden Garrett) failed to file. Having reviewed all pleadings, motions, documents, and exhibits on file, the Court denies the motion.

Barral is an inmate in the lawful custody of the Nevada Department of Corrections, assigned to Lovelock Correctional Center. He filed his Petition for Writ of Habeas Corpus on February 21, 2023, and his Supplemental Brief to Petition for Writ of Habeas Corpus on March 28, 2023. This Court entered an order on March 17, 2023, ordering Warden Garrett to file a response to the original petition within 45 days, or May 1, 2023.

Warden Garrett filed a motion seeking an extension of time to respond to both the original and supplemental petitions until May 22, 2023. This Court on May 1, 2023, granted Warden Garrett's motion finding good cause. Therefore, Warden Garrett did not fail to properly respond to this Court's order.

Further, the default and default judgment provisions of NRCP 55 do not apply to post-conviction habeas proceedings. *Means v. State*, 120 Nev. 1001, 1019, 103 P.3d 25, 37 (2004). Even if the State fails to file a timely response to the petition, default judgment does not apply. *Id.* Even if

///

1 Warden Garrett failed to file a timely response, this Court finds Barral would not be entitled to default
2 on his post-conviction petitions.

3 The Court deeming itself fully informed,

4 IT IS HEREBY ORDERED that Barral's Motion for Entry of Default is **DENIED**.

5
6
7
8
9
10 Submitted by:

11 Dated this 10th day of May, 2023.

12 /s/ Heather D. Procter

13 Heather D. Procter
14 Chief Deputy Attorney General
15 State of Nevada
16 Office of the Attorney General
17 100 North Carson Street
18 Carson City, NV 89701-4717
19 (775) 684-1271 (phone)
20 (775) 684-1108 (fax)
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent

AFFIDAVIT OF MAILING

I, Adriana Ramos, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of ORDER DENYING BARRAL'S MOTION FOR ENTRY OF DEFAULT that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Nevada Attorney General's Office
Electronic Service

DATED this 11th day of May 2023.

KATE MARTIN
CLERK OF THE COURT
By: /s/ Adriana Ramos

1 Case No. 27CV-WR1-2023-0059

2 Pursuant to NRS 239B.030, the undersigned affirms that this document does
3 not contain any social security numbers.

4
5 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF PERSHING

7
8 DUSTIN BARRAL,

9 Plaintiff,

10 V.

11 TIM GARRETT, WARDEN LCC,

12 Respondent

RESPONSE TO WARDEN TIM GARRETT'S ANSWER TO
PETITION FOR WRIT OF HABEAS CORPUS AND
SUPPLEMENTAL PETITION CHALLENGING COMPUTATION
OF TIME

13 COMES NOW, Plaintiff, Dustin Barral, in prose, responding to, Respondent
14 Warden Tim Garrett's answer. This is based on all papers and pleadings on
15 file in this case.

16 RESPONSE

17 The Plaintiff must first address Warden Tim Garrett and LCC's involvement
18 Tim Garrett is the warden of LCC which is a prison in the NDOC. Seeing
19 as this is a challenge to computation of time, the action must be brought
20 against the place the Plaintiff is incarcerated. Hence why Warden Tim Garrett
21 is named even though the NDOC does the time calculation.

22
23 I. Days versus Credits.

24 The crux of this whole Writ of Habeas Corpus for Challenging the
25 Computation of Time is that a day is a 24 hour period while a credit
26 or meritorious credit is not. The Respondent cites to four unpublished
27 Nevada Supreme Court as proof that the NDOC treats a "credit" the
28 same as a "day". Those four cases are Burt v. Warden, 238 P.3d 799

1 (2008); Wellington v. State, 238 P.3d 865 (2008); Henry v. State, 281 P.3d 1180
2 (2009); and Ayala v. State, 238 P.3d 793 (2008). See the Respondents Exhibits G,
3 H, I, and J. The only case that pertains to this case is Burt v. Warden, the
4 other three have no standing and do not matter. At this point the Plaintiff
5 cedes that the NDOC treats days and credits differently. They may treat days/
6 credits the same but the calculation of days/credits is not accurate.

7 8 II. The NDOC's Calculation of Days/Credit is not Accurate.

9 The NDOC when it calculates the projected expiration date of an inmate it
10 uses Flat, day for day credit; Stat, good time credit; and Work, work or labor credit.
11 Flat time is given for how many days are in that month ie 28, 30, or 31. Stat time
12 is given at 20 days a month. Work time is given at 10 days a month. This is
13 equal to 60 days earned a month. If the NDOC treats a day/credit as a
14 24 hour period, how can an inmate earn 60 days for a 30 day month?

15 In Burt v. Warden, 238 P.3d 799 (2008) the Court states "The Attorney General
16 submitted appellant's time audit logs verifying that appellant's credits have not been
17 reduced by any mathematical formula," and "There is simply no proof for the
18 statement that one credit is anything less than a 24-hour day. The time audit
19 of appellant's credits amply demonstrated this point." In Burt v. Warden, Burt
20 argues that a credit/day can be calculated at 1.667. The Nevada Supreme
21 Court said there was no proof of this, yet the Plaintiff disagrees and will
22 prove it using the Respondents Exhibit E - NDOC Credit History. All calculations
23 used the Respondents exhibit and are as follows.

24 Starting on pg 1 of 12 at the top. The first entry from 5/28/13 (adding
25 4 days to remove the adjustment), the Plaintiff must serve 9496 days to expire.
26
$$9496 \text{ days} / 365 (\text{1 yr}) = 26 \text{ yrs}$$

27 Next the Plaintiff took the dates found on 5/31 of the year (seeing on
28 6/1 the NDOC adjusts the month) and subtracts it from the following

- 1 years total days remaining to see how many "days" actually are taken off of
- 2 the Plaintiff's sentence. Here was the Plaintiff's calculations based upon
- 3 the following dates where the Plaintiff was not working or programming, giving
- 4 the Plaintiff and this Court a base number per year.

5	Start date	End date	Start days	End days	Difference	÷ by 365	Credit per day
6	6/1/13	6/1/14	9489	8884	605	÷ 365	1.657
7	6/1/14	6/1/15	8884	8279	605	÷ 365	1.657
8	6/1/15	6/1/16	8279	7673	606	÷ 365	1.66
9	6/1/16	6/1/17	7673	7068	605	÷ 365	1.657
10	6/1/17	6/1/18	7068	6463	605	÷ 365	1.657

11 As this Court can see 1 day/credit cannot equal a 24 hour period.

12 Here is my remaining days to expire per year

13	Date	Days Remaining	÷ 365	Years left	Difference from Yr Prev
14	9/1/17	6916		18.94	-
15	9/1/18	6251		17.12	1.82
16	9/1/19	5466		14.97	2.15
17	9/1/20	4470		12.25	2.72
18	9/1/21	3505		9.6	2.65
19	9/1/22	2555		7	2.6

20 There must be some sort of calculation that is provided by the NDOC

21 because from the above statistics one day/credit cannot equal a 24 hour

22 period. The above period was the years that the Plaintiff earned any extra days/

23 credit. Below is the period of time where the Plaintiff has yet to earn any extra

24 days/credit to expiration.

25	Start date	End Date	Start days	End days	Difference	÷ 365	Credit per day
26	5/1/23	5/1/24	1938	1212	726		1.989
27	5/1/24	5/1/25	1212	487	725		1.986
28	5/1/25	1/2/26	487	0	487		1.33 ₁₃₃

1
2 From the baseline calculation we can see that an inmate needs 1.667
3 credits to equal a 24 hour period. This means that the NDOC has
4 improperly calculated the credit of every credit he has earned. The NDOC
5 either owes the Plaintiff .667 per every credit or .333 per every credit
6 he earned. This includes every credit earned from 2017-2023, a total of
7 990 credits, per Respondent's Exhibit E. This is 660 days for .667 and 330
8 days for .333 taken off of his expiration date.

9 10 III. Other Issues

11 There are a few other issues to discuss. The Respondent notes that it
12 cannot confirm the Exceptional G.P.A for 1st Associate Degree, 2nd Associate
13 Degree and Exceptional G.P.A for 2nd Assoc, and 3rd Associate Degree. The Exceptional
14 G.P.A for the 1st Associate Degree was never entered/denied due to exceeding
15 90 day/credit limit. 2nd Associate Degree and Exceptional G.P.A are currently
16 in process. There is a problem in the computer system and so it is being
17 worked on. See file at Exhibit A. 3rd Associate degree is currently being
18 grieved (at 1st level) due to NDOC refusing to submit it.

19 As to the Getting It Right credits, per grievance 20063138247 (Exhibit 3
20 of original writ) (well supplemental petition) the NDOC agreed to make sure that
21 my Exceptional G.P.A for my 2nd College Certificate would not count against
22 the credit limit as stated in a document LCC provided the Plaintiff upon arrival
23 at LCC in 2018, see exhibit B. This grievance is a binding agreement, a binding
24 contract between LCC/NDOC and the Plaintiff. LCC/NDOC agreed to the Plaintiff's
25 remedies which included the Exceptional G.P.A. This agreement for this
26 Exceptional G.P.A is precedent and the exception provided to one should be
27 applied to all Exceptional G.P.A earned by the Plaintiff. Thus the 1st Exception
28 G.P.A cannot count against the 90 day limit meaning the NDOC/LCC owes

1 the Plaintiff the 30 credits for Getting It Right. It also owes the
2 Plaintiff Exceptional G.P.A credits for his 1st Associate Degree. All
3 Exceptional G.P.A's should be coded to not count against 90 day limit
4

5 CONCLUSION

6 The Plaintiff has proven that while the NDOC may treat a credit
7 and a day the same, 1 day (24 hour) does not equal 1 credit. It is up
8 to this Court to see that the Plaintiff is given appropriate credit for
9 all he's earned. Additionally, the Plaintiff and the NDOC/LCC entered into
10 a binding agreement per grievance 20063138247 and it needs to be
11 upheld by this Court.

12 Dated this 17 day of May, 2023.

13
14 

15 Dushin Baral #1108615

16 LCC

17 1200 Prison Rd

18 Lovelock, NV 89419


19 Plaintiff in Pro Se
20
21
22
23
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CERTIFICATE OF SERVICE

I certify that I mailed a true and correct copy of the foregoing
RESPONSE TO WARDEN TIM GARRETT'S ANSWER TO PETITION FOR WRIT OF
HABEAS CORPUS AND SUPPLEMENTAL PETITION CHALLENGING COMPUTATION
OF TIME on this 17 day of May, 2023, to the following
address(es) pursuant to NRCPS(b):

Warden Tim Garrett	Nevada Attorney General
LCC	100 N. Carson St
1200 Prison Rd	Carson City, NV 89701
Lovelock, NV 89419	

Dated this 17 day of May, 2023


Dustin Barral #1108615
LCC
1200 Prison Rd
Lovelock, NV 89419
Plaintiff in Pro Se

1 Case No. 27CV-WR1-2023-0059

2

3 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

4

IN AND FOR THE COUNTY OF PERSHING

5

6 DUSTIN BARRAL,

7 Plaintiff,

8 v.

9 TIM GARRETT, WARDEN LCC,

10 Respondent

11 INDEX OF EXHIBITS IN SUPPORT OF RESPONSE TO WARDEN TIM GARRETT'S

12 ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS AND SUPPLEMENTAL

13 PETITION CHALLENGING COMPUTATION OF TIME

14 The Plaintiff, Dustin Barral, in pro se, submits the following Index of

15 Exhibits by a Prisoner in State Custody.

16

17 No. Document

18 A Kite pertaining to 2nd Assoc. degree and Exceptional G.P.A

19 B Handout given to Plaintiff from LCC about Exceptional G.P.A (see bottom)

20

21

22

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EXHIBIT

A

INMATE REQUEST FORM

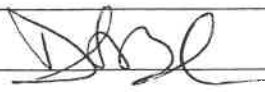
1.) INMATE NAME <u>Dustin Baral</u>	DOC # <u>1108615</u>	2.) HOUSING UNIT <u>1A15B</u>	3.) DATE <u>5/9/23</u>
--	-------------------------	----------------------------------	---------------------------

4.) REQUEST FORM TO: (CHECK BOX)

<input type="checkbox"/> CASEWORKER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> MENTAL HEALTH	<input type="checkbox"/> CANTEEN
<input checked="" type="checkbox"/> EDUCATION	<input type="checkbox"/> VISITING	<input type="checkbox"/> LAW LIBRARY	<input type="checkbox"/> DENTAL
<input type="checkbox"/> LAUNDRY	<input type="checkbox"/> PROPERTY ROOM	<input type="checkbox"/> SHIFT COMMAND	<input type="checkbox"/> OTHER _____

5.) NAME OF INDIVIDUAL TO CONTACT: Mr. Gallagher

6.) REQUEST: (PRINT BELOW) On 2/3 you said you submitted my 2nd Assoc Degree + Exceptional G.P.A for credit. I just kited my caseworker, seeing as its been over 3 months and no cred. / days yet, and she said nothing was submitted for entry. Did you submit my days yet? If not can you?

7.) INMATE SIGNATURE  DOC # 1108615

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

there seems to be a probll in the doc computer system. ill keep trying as ll can to assist in figuring out the problem. You were definitely submitted. the last word ll got on the submission was that it was a duplicate. one of the key people involved in Carson City is out until late May.

Mr. Gallagher - Education 5/11/23

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

EXHIBIT

B

Work / Meritorious Credits for Education/Vocational Programs at L.C.C.

Programs that **Do Not** count against the 90 Day credit per year limit.

Program Name	Program Type	Credits	
		Crime Committed After 6/30/1985 and Before 7/17/1997	Crime Committed on--or After 7/17/1997
High School Diploma*	Educational	60	90
G.E.D. Completion*	Educational	30	60
Associate Degree (AA)or (AS)*	Educational	90	120
Bachelor Degree(BA) or (BS)*	Educational	0	90
Master's Degree (MA) or (MS)*	Educational	0	90
Second Degree*	Educational	90	90
College Certificate*	Vocational	60	No Date Restriction
R.E.S.P.E.C.T. *	Vocational	60	No Date Restriction
Re-Entry Program *	Vocational	60	No Date Restriction
Computer Certification*	Vocational	60	No Date Restriction
Advanced Computer Certification*	Vocational	60	No Date Restriction
Web Design HTML5	Vocational	60	No Date Restriction
Plant Science & Horticulture*	Vocational	60	No Date Restriction

Programs that **Do Count** against the 90 Day Credit per year limit.

Program Name	Program Type	Credits Crime Committed on--or After 7/1/1985
Exceptional G.P.A.**	Optional/ Case by Case	Up to 90
ServSafe*	Vocational	30
Commitment to Change	Program (3 Phases)	15 per phase
S.T.O.P.	Program (4 Phases)	30 per phase
R.P.S.O.	Program	30
Structured Living Program (SLP)	Program (3 Phases)	30 per phase
Seeking Safety (Drug Program)	Program (2 Phases)	30 per phase
Victims Impact	Program	30
Straight Ahead	Program	30
Moral Recognition Therapy (MRT)	Program (3 Phases)	15 per phase
InsideOut Dad	Program	30
Thinking for a Change	Program	30

*Denotes programs offered through Education. Otherwise kite "Programs" to enroll.

Exceptional G.P.A. is an optional award that may be awarded on a case-by-case basis and may or may not count against the 90 Merit Credit Limit depending if it is coded under NRS 209.4465(5) (Exceptional Meritorious Service**) or NRS 209.449(2) (**Vocational, Educational and Training or other Program**).

CASE NO.: 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,)
)
Plaintiff,)
v.)
TIM GARRETT, WARDEN LCC.)
)
Defendant.)
_____)

**ORDER DENY MOTION FOR ENTRY OF
DEFAULT**

The above entitled matter having come before the Court on Plaintiff's Motion to Enter Default. The Court, having reviewed the Motion and the file, finds that Defendant sought leave to be late in filing their answer on May 1, 2023. The Court, having granted that Motion, Defendant's answer was not due and the Court finds that there was no good cause to grant the Motion to Enter Default and denies the Motion.

IT IS HEREBY ORDERED that the Motion to Enter Default is hereby denied.

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Defendant.

AFFIDAVIT OF MAILING

I, Carol Elerick, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served a copy of Order Deny Motion for Entry of Default was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
1200 Prison Road/LCC
Lovelock, NV. 89419
Notified via Traditional Mail
Plaintiff / Pro Se Litigant

1 Nevada Attorney General's Office
2 Notified via Electronic Service
3 Attorney for Defendant

4 DATED this 24th day of May 2023.

5 KATE MARTIN
6 CLERK OF THE COURT

7 By: /s/ Carol Elerick

CASE NO. 27CV-WR1-2023-0059

*The undersigned hereby affirms that this document
does not contain the social security number of any person.*

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN, LCC,

Defendant.

SETTING MEMO

The above-entitled matter is set for: **CASE MANAGEMENT CONFERENCE and
PETITION HEARING**

Date and Time: July 3, 2023, at 1:00 p.m.

DATED this 26th day of May 2023.

KATE MARTIN
CLERK OF THE COURT

/s/ Kate Martin

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CERTIFICATE OF SERVICE

The undersigned, an employee of the Eleventh Judicial District Court, hereby certifies that I served the foregoing **SETTING MEMO** on the parties, as noted below:

Dustin Barral / #1108615
Lovelock Correctional Center
1200 Prison Road
Fallon, NV 89406

Office of the Nevada Attorney General
Counsel for Defendant

DATED this 26th day of May 2023.

/s/ Danielle Rackley
Administrative Assistant

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**WARDEN TIM GARRETT'S MOTION FOR
CONTINUANCE OF CASE MANAGEMENT
CONFERENCE AND PETITION HEARING**

Respondent Warden Tim Garrett (Warden Garret), by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, moves this Court for a continuance of at least 1 week for the Case Management Conference and Petition Hearing currently scheduled for July 3, 2023. This Court issued a setting memo with that date on May 26, 2023. This motion is based upon the provisions of Nevada Rule of Civil Procedure 6(b)(1)(B) and FJDCR Rule 3.17.

This motion is made in good faith and not for the purpose of any unnecessary delay.

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1 **POINTS AND AUTHORITIES**

2 Counsel did not confer with Barral prior to filing the foregoing motion for extension of time
3 given Barral is currently incarcerated. I am out of the office for prescheduled annual leave the week of
4 July 3, 2023, and am unable to attend the conference and hearing scheduled for that date.

5 RESPECTFULLY SUBMITTED this 6th day of June, 2023.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Heather D. Procter
9 HEATHER D. PROCTER (Bar No. 8621)
10 Chief Deputy Attorney General
11 State of Nevada
12 Office of the Attorney General
13 100 North Carson Street
14 Carson City, Nevada 89701-4717
15 (775) 684-1271
16 (775) 684-1108
17 hprocter@ag.nv.gov
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Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**DECLARATION OF COUNSEL IN
SUPPORT OF RESPONDENT WARDEN
GARRETT'S MOTION FOR EXTENSION
OF TIME TO RESPOND TO PETITION FOR
WRIT OF HABEAS CORPUS (FIRST
REQUEST)**

I, HEATHER D. PROCTER, hereby states, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am the Chief Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondent Warden Garrett's motion for extension of time.

2. I am out of the office for prescheduled annual leave the week of July 3, 2023, and therefore I am unable to attend the conference and hearing.

3. This motion for this continuance is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

Pursuant to NRS 53.045, Declarant herein certifies, under penalty of perjury, that the foregoing is true and correct.

/s/ Heather D. Procter

HEATHER D. PROCTER

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 6th day of
3 June, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **WARDEN**
4 **TIM GARRETT'S MOTION FOR CONTINUANCE OF CASE MANAGEMENT**
5 **CONFERENCE AND PETITION HEARING** to the following:

6 Dustin Barral # #1108615
7 c/o Lovelock Correctional Center
8 1200 Prison Road
9 Lovelock, NV 89419

10 /s/ Carrie L. Crago
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Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

ORDER TO PRODUCE PRISONER

IT IS HEREBY ORDERED that the Nevada Department of Corrections, at Lovelock Correctional Facility shall produce inmate DUSTIN BARRAL (“Plaintiff”), from his place of detention to a conference room where the Court can contact him for a Case Management Conference. This prison shall contact the Court with the telephone number to call to contact the Plaintiff. The prison shall transport the Plaintiff back to his cell once the hearing is completed. The Case Management Conference has been set for **July 3, 2023**, at **1:00 p.m.**

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-WR1-2023-0059

2 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

3 IN AND FOR THE COUNTY OF PERSHING

4
5 DUSTIN BARRAL,

6 Plaintiff,

7 vs.

8 TIM GARRET, WARDEN, LLC,

9 Defendant.

AFFIDAVIT OF MAILING

10
11 I, Kimberly Torres, being first duly sworn depose and say: That I am, and was when
12 the herein described mailing took place, a citizen of the United States, over 21 years of age,
13 and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the
14 11th Judicial District Court and that I caused to be served, a copy of Order to Produce
15 Prisoner that was served electronically, in compliance with the Eleventh Judicial District
16 Court's electronic filing system or enclosed in a sealed envelope with first class prepaid
17 postage, addressed to:

18 Dustin Barral #1108615
19 1200 Prison Rd
20 Lovelock, NV 89419
21 Notified via Traditional Mail
22 Plaintiff / Pro Se Litigant

23 Nevada Attorney General's Office
24 Notified via Electronic Service
Attorney for Defendant

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DATED this 06 day of June 23

KATE MARTIN
CLERK OF THE COURT

By:/s/ Kimberly Torres_____

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,
Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,
Respondent.

**ORDER GRANTING MOTION FOR A
CONTINUANCE OF CASE MANAGEMENT
CONFERENCE AND PETITION HEARING**

This matter came before the Court on Respondent Warden Tim Garrett's (Warden Garrett) Motion for a Continuance of the Case Management Conference and Petition Hearing currently scheduled for July 3, 2023.

Having reviewed all pleadings, motions, documents, and exhibits on file, and finding Warden Garrett's motion for a continuance is made in good faith and not for purposes of delaying this matter, and good cause appearing;

IT IS HEREBY ORDERED that Warden Tim Garrett's Motion for continuance is **GRANTED**. The Case Management Conference and Petition Hearing will be set **for July 31, 2023, at 2:30 p.m.**

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order of Continuance

It is so Ordered.

Judge Shirley

1 CASE NO. 27CV-WR1-2023-0059

2 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

3 IN AND FOR THE COUNTY OF PERSHING

4
5 DUSTIN BARRAL,

6 Plaintiff,

7 vs.

8 TIM GARRET, WARDEN LCC,

9 Defendant.

AFFIDAVIT OF MAILING

10
11 I, Kimberly Torres, being first duly sworn depose and say: That I am, and was when
12 the herein described mailing took place, a citizen of the United States, over 21 years of age,
13 and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the
14 11th Judicial District Court and that I caused to be served, a copy of Order Granting Motion
15 for a Continuance of Case Management Conference and Petition Hearing that was served
16 electronically, in compliance with the Eleventh Judicial District Court's electronic filing
17 system, or enclosed in a sealed envelope with first class prepaid postage, addressed to:

18 Heather Procter
19 Attorney General Office
Attorney for the Defendant

20 Dustin Barral
21 Inm 1108615
1200 Prison Rd
22 Lovelock, Nv 89419

23 DATED this 08 day of June 2023.

24 KATE MARTIN

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CLERK OF THE COURT

By: Kimberly Torres

Case No. 27CV-WR1-2023-0059
*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**REQUEST FOR TELEPHONIC
APPEARANCE**

COMES NOW Respondent, by and through counsel, and does hereby request permission for the undersigned counsel to appear by telephone at the hearing currently scheduled for the 31st of July, 2023, at 1:00 pm. The undersigned represents the Respondent in this matter.

Pursuant to Rule 4.10(a) of this Court's rules, counsel must state in the request the position of the opposing party. Respondent notifies this Court that the undersigned did not confer with petitioner, who is *pro se* in this matter and is currently incarcerated in the Nevada Department of Corrections.

RESPECTFULLY SUBMITTED this 11th day of July, 2023.

AARON D. FORD
Attorney General

By: /s/ Heather D. Procter
HEATHER D. PROCTER (Bar No. 8621)
Chief Deputy Attorney General
State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1271
(775) 684-1108
hprocter@ag.nv.gov

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General and that on this 12th day of
3 July, 2023, I caused to be deposited for mailing a true and correct copy of the foregoing, **REQUEST**
4 **FOR TELEPHONIC APPEARANCE** to the following:

5 Dustin Barral # #1108615
6 c/o Lovelock Correctional Center
7 1200 Prison Road
8 Lovelock, NV 89419

9 /s/ Amanda White

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**ORDER REGARDING REQUEST
FOR TELEPHONIC APPEARANCE**

Upon consideration of the Request for Telephonic Appearance filed on July 11, 2023; and
with good cause appearing;

IT IS HEREBY ORDERED that the Request for Telephonic Appearance is hereby
GRANTED and that Heather D. Proctor may appear by telephone for the hearing set for July
31, 2023, at 1:00 PM

Please contact the Court Administrator, Kate Martin, at the District Court
Administrative Office in Lovelock, Nevada, at 775-273-2410, ext. 1322 to obtain a call-in
number and access code. (Numbers are assigned 48 hours in advance)

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order Regarding Telephonic Appearance Request

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL

Plaintiff,

vs

TIM GARRET, WARDEN LCC,

Respondent.

AFFIDAVIT OF MAILING

I, Kimberly Torres, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of Order Regarding Request for Telephonic Appearance that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system, or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral
Plaintiff
1200 Prison Rd/LCC
Lovelock, Nv 89419
Traditional Mail

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DATED this 12 day of July 2023.

KATE MARTIN
CLERK OF THE COURT
By: *kimberly torres*
Deputy Court Clerk

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**AMENDED ORDER TO PRODUCE
PRISONER**

IT IS HEREBY ORDERED that the Nevada Department of Corrections, at Lovelock Correctional Facility shall produce inmate DUSTIN BARRAL ("Plaintiff"), from his place of detention to a conference room where the Court can contact him for a Case Management Conference. This prison shall contact the Court with the telephone number to call to contact the Plaintiff. The prison shall transport the Plaintiff back to his cell once the hearing is completed. The Case Management Conference has been set for **July 31, 2023**, at **2:30 p.m.**

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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Plaintiff,

vs

TIM GARRET, WARDEN LLC,

Respondent.

AFFIDAVIT OF MAILING

I, Kimberly Torres, being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of AMENDED ORDER TO PRODUCE PRISONER that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system, or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
Plaintiff
1200 Prison Rd
Lovelock, Nv 89419

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DATED this 28 day of July 2023.

KATE MARTIN
CLERK OF THE COURT

By: *kimberly torres*
Deputy Court Clerk

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**ORDER DENYING PETITION FOR WRIT
OF HABEAS CORPUS AND
SUPPLEMENTAL BRIEF TO PETITION
FOR WRIT OF HABEAS CORPUS**

THIS MATTER comes before the Court on petitioner Dustin Barral's (Barral) Petition for Writ of Habeas Corpus and Supplemental Brief to Petition for Writ of Habeas Corpus. Having reviewed all pleadings, motions, documents, and exhibits on file, the Court makes the following findings of fact, conclusions of law, and order.

Barral is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC), assigned to Lovelock Correctional Center (LCC), pursuant to a judgment of conviction from the Eighth Judicial District Court. That court adjudged Barral guilty of Count 1, attempt sexual assault with a minor under fourteen years of age; and Count 2, child abuse, neglect or endangerment, both category B felonies, and sentenced him to an aggregate total of 124-312 months. Barral committed his crimes on or about July 2010. Pursuant to NDOC, his projected parole eligibility is September 27, 2023, and projected expiration date is January 17, 2026.

NDOC is responsible for calculating an inmate's sentence. NRS 209.4465 applies to inmates who committed their crimes on or after July 1997.

This Court finds that NRS 209.4465 interchangeably refers to credits and days. *See* NRS 209.4465(1) (applying statutory or "good time" deduction of "20 days"); 209.4465(2) (Director may allow deduction of "not more than 10 days of credit each month" for labor and study); *id.* (offender can

1 earn specific “days” as education “credits”); 209.4465(3) (Director may allow “maximum of 90 days of
2 credit” for additional higher education degrees); 209.4465(4) (Director may allow “10 days of credit”
3 for certain programs up to “30 days of credit each month”); 209.4465(5) (Director may allow up to “90
4 days of credit each year” for exceptional meritorious credit). The Nevada Supreme Court has repeatedly
5 found that the NDOC treats a “credit” the same as a “day.” *Burt v. Warden*, No 51497, 238 P.3d 799,
6 2008 WL 6070832 at *1 (Nev. Aug. 29, 2008); *Wellington v. State*, No. 51430, 238 P.3d 865, 2008 WL
7 6085802 (Nev. July 16, 2008) (same); *see also Henry v. State*, No. 52490, 281 P.3d 1180, 2009 WL
8 1491045 at *2 (Nev. Feb. 4, 2009) (finding NDOC properly applied “days” and did not reduce “credits”
9 by any mathematical formula); *Ayala v. State*, No. 52107, 238 P.3d 793, 2008 WL 6124786 at *1 (Nev.
10 Dec. 17, 2008) (same) (attached as Exhibits G-J, respectively).

11 The NDOC projects an inmate’s expiration date on their maximum sentence. That projection
12 includes “FLAT” or day-for-day credit served, “STAT” or days projected pursuant to NRS 209.4465(1)
13 known as “good time credit,” and “WORK” for anticipated work or labor credits, a maximum of 10
14 days each month pursuant to NRS 209.4465(2). The projection changes as the actual credits earned by
15 the inmate in a specific month are entered. When the actual credit is applied each month, it reduces the
16 number of projected FLAT, STAT and WORK credit. While the NDOC applies the full days and
17 credits an inmate earns and is approved to receive each month, because of the projection calculus, the
18 projected expiration date will not reflect the full deduction.

19 This Court finds that the NDOC’s projection calculus, while confusing, accurately reflects the
20 actual days and credits an inmate receives each month.

21 Addressing Barral’s specific arguments as to days/credits he earned, he argued the NDOC gave
22 him only half of the days he earned. Between his Petition and Supplemental Petition, Barral argued he
23 was owed additional days on up to ten specific educational, meritorious or program courses and days as
24 detailed below:

#	Date Earned	Description	Merit Credit Earned	Days Owed
1	07/18	College Certificate	60	30
2	03/01/20-02/01/21	AB 241 COVID Days	60	30
3	01/01/22	College Certificate	60	30
4	01/01/22	Exceptional GPA	60	30
5	07/22	1st Associate Degree	120	60

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
9	03/28/22-06/20/22	Getting It Right	30	30
10	?	3rd Associate's Degree ¹		

This Court notes that Barral did not attach any documentation to his Petition or Supplemental Petition that he completed and was approved to receive the days or credits for the listed courses. At most, in Exhibit 3 of his Supplemental Petition, he demonstrated that the NDOC agreed to resubmit a request for credit for Exceptional Credit GPA to the Education Department for reconsideration.

The NDOC properly applied days and credits towards Barral's sentence as reflected in his Credit History Report. Specifically, this Court confirms that Barral received the full days and credits owed for the following courses:

#	Date Earned	Description	Merit Credit Earned	Days Applied
1	07/18	College Certificate	60	60
2	03/01/20-02/01/21	AB 241 COVID Days	60	60
3	01/01/22	College Certificate	60	60
4	01/01/22	Exceptional GPA	60	60
5	07/22	1st Associate Degree	120	120

This Court finds that Barral both completed and was approved to receive the days and credits listed above.

Barral fails to demonstrate that he completed and was approved to receive credit for the following courses:

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
10	?	3rd Associate's Degree		

Finally, #9 refers to the course "Getting It Right: Contributing to the Community: 90" for which Barral received 0 credits. NDOC agrees that Barral completed this course but explains that he was not entitled to receive the 30 days credit for the court because he already maximized the additional credits he could receive in 2022. Specifically, Barral received 90 meritorious credits, in completing 60 credits

¹ The 3rd Associate's Degree is from Barral's original petition, in which he claimed he was owed credits for three Associate's Degrees.

1 for College Certificate and 30 credits for Victim Impact: Listen and Learn, in 2022 before completing
2 Getting It Right. Because Barral already received the full 90 days meritorious credit to which he was
3 entitled for 2022 pursuant to NRS 209.4465, he could not receive additional credit for Getting It Right.
4 This Court finds the NDOC properly found Barral was not entitled to receive additional credit for this
5 course.

6 The NDOC properly applied the full days/credits earned by Barral for the
7 program/meritorious/educational credits he completed and was approved to receive.

8 The Court deeming itself fully informed,

9 IT IS HEREBY ORDERED that Barral's Petition for Writ of Habeas Corpus and Supplemental
10 Brief to Petition for Writ of Habeas Corpus are **DENIED**.

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16 Submitted by:

17 Dated this 10th day of May, 2023.

18 /s/ Heather D. Procter

19 Heather D. Procter
20 Chief Deputy Attorney General
21 State of Nevada
22 Office of the Attorney General
23 100 North Carson Street
24 Carson City, NV 89701-4717
25 (775) 684-1271 (phone)
26 (775) 684-1108 (fax)
27 hprocter@ag.nv.gov
28

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

CASE NO. 27CV-WR1-2023-0059

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Petitioner,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

AFFIDAVIT OF MAILING

I, Adriana Ramos , being first duly sworn depose and say: That I am, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that I am a Deputy Court Clerk of the 11th Judicial District Court and that I caused to be served, a copy of ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AND SUPPLEMENTAL BRIEF TO PETITIN FOR WRIT OF HABEAS CORPUS that was served electronically, in compliance with the Eleventh Judicial District Court's electronic filing system or enclosed in a sealed envelope with first class prepaid postage, addressed to:

Dustin Barral #1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
Traditional Mail

DATED this 3rd day of August 2023.

KATE MARTIN
CLERK OF THE COURT
By: Adriana Ramos

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN J. BARRAL,

Appellant,

vs.

TIM GARRETT, WARDEN LOVELOCK

CORRECTIONAL CENTER,

Respondent.

RECORD ON APPEAL

PLEADINGS

VOLUME 4

Dustin Barral #1108615
1200 Prison Road
Lovelock, Nv 89419
Appellant, In Pro Per/Attorney

Heather Procter
Chief Deputy Attorney General
100 North Carson Street
Carson City, Nv 89701
Attorney for Respondents

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CASE NO. 27CV-WR1-2023-0059

*Pursuant to NRS 239B.03-0, the undersigned affirms
that this document does not contain social security numbers.*

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Petitioner,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**NOTICE OF ENTRY
OF ORDER**

PLEASE TAKE NOTICE that the Court entered ORDER DENYING PETITION
FOR WRIT OF HABEAS CORPUS AND SUPPLEMENTAL BRIEF TO PETITION FOR
WRIT OF HABEAS CORPUS on August 3, 2023, a true and correct copy of which is
attached to this notice.

If this is a final order and if you wish to appeal to the Nevada Supreme Court, you
must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this
notice is mailed/electronically served to you.

DATED this 3rd day of August 2023.

KATRENA M. MARTIN
CLERK OF THE COURT

By /s/ Adriana Ramos
Deputy

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Dustin Barral #1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
Traditional Mail

Heather Procter
Nevada Attorney General's Office
Electronic Service

DATED this 3rd day of August 2023.

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INDEX OF EXHIBITS

Exhibit 1

Copy of order

5 pages

EXHIBIT 1

EXHIBIT 1

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 229B.030, the undersigned affirms
That this document does not contain social security numbers.*

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

DUSTIN BARRAL,

Plaintiff,

vs.

TIM GARRETT, WARDEN LCC,

Respondent.

**ORDER DENYING PETITION FOR WRIT
OF HABEAS CORPUS AND
SUPPLEMENTAL BRIEF TO PETITION
FOR WRIT OF HABEAS CORPUS**

THIS MATTER comes before the Court on petitioner Dustin Barral's (Barral) Petition for Writ of Habeas Corpus and Supplemental Brief to Petition for Writ of Habeas Corpus. Having reviewed all pleadings, motions, documents, and exhibits on file, the Court makes the following findings of fact, conclusions of law, and order.

Barral is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC), assigned to Lovelock Correctional Center (LCC), pursuant to a judgment of conviction from the Eighth Judicial District Court. That court adjudged Barral guilty of Count 1, attempt sexual assault with a minor under fourteen years of age; and Count 2, child abuse, neglect or endangerment, both category B felonies, and sentenced him to an aggregate total of 124-312 months. Barral committed his crimes on or about July 2010. Pursuant to NDOC, his projected parole eligibility is September 27, 2023, and projected expiration date is January 17, 2026.

NDOC is responsible for calculating an inmate's sentence. NRS 209.4465 applies to inmates who committed their crimes on or after July 1997.

This Court finds that NRS 209.4465 interchangeably refers to credits and days. *See* NRS 209.4465(1) (applying statutory or "good time" deduction of "20 days"); 209.4465(2) (Director may allow deduction of "not more than 10 days of credit each month" for labor and study); *id.* (offender can

1 earn specific “days” as education “credits”); 209.4465(3) (Director may allow “maximum of 90 days of
2 credit” for additional higher education degrees); 209.4465(4) (Director may allow “10 days of credit”
3 for certain programs up to “30 days of credit each month”); 209.4465(5) (Director may allow up to “90
4 days of credit each year” for exceptional meritorious credit). The Nevada Supreme Court has repeatedly
5 found that the NDOC treats a “credit” the same as a “day.” *Burt v. Warden*, No 51497, 238 P.3d 799,
6 2008 WL 6070832 at *1 (Nev. Aug. 29, 2008); *Wellington v. State*, No. 51430, 238 P.3d 865, 2008 WL
7 6085802 (Nev. July 16, 2008) (same); *see also Henry v. State*, No. 52490, 281 P.3d 1180, 2009 WL
8 1491045 at *2 (Nev. Feb. 4, 2009) (finding NDOC properly applied “days” and did not reduce “credits”
9 by any mathematical formula); *Ayala v. State*, No. 52107, 238 P.3d 793, 2008 WL 6124786 at *1 (Nev.
10 Dec. 17, 2008) (same) (attached as Exhibits G-J, respectively).

11 The NDOC projects an inmate’s expiration date on their maximum sentence. That projection
12 includes “FLAT” or day-for-day credit served, “STAT” or days projected pursuant to NRS 209.4465(1)
13 known as “good time credit,” and “WORK” for anticipated work or labor credits, a maximum of 10
14 days each month pursuant to NRS 209.4465(2). The projection changes as the actual credits earned by
15 the inmate in a specific month are entered. When the actual credit is applied each month, it reduces the
16 number of projected FLAT, STAT and WORK credit. While the NDOC applies the full days and
17 credits an inmate earns and is approved to receive each month, because of the projection calculus, the
18 projected expiration date will not reflect the full deduction.

19 This Court finds that the NDOC’s projection calculus, while confusing, accurately reflects the
20 actual days and credits an inmate receives each month.

21 Addressing Barral’s specific arguments as to days/credits he earned, he argued the NDOC gave
22 him only half of the days he earned. Between his Petition and Supplemental Petition, Barral argued he
23 was owed additional days on up to ten specific educational, meritorious or program courses and days as
24 detailed below:

#	Date Earned	Description	Merit Credit Earned	Days Owed
1	07/18	College Certificate	60	30
2	03/01/20-02/01/21	AB 241 COVID Days	60	30
3	01/01/22	College Certificate	60	30
4	01/01/22	Exceptional GPA	60	30
5	07/22	1st Associate Degree	120	60

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
9	03/28/22-06/20/22	Getting It Right	30	30
10	?	3rd Associate's Degree ¹		

This Court notes that Barral did not attach any documentation to his Petition or Supplemental Petition that he completed and was approved to receive the days or credits for the listed courses. At most, in Exhibit 3 of his Supplemental Petition, he demonstrated that the NDOC agreed to resubmit a request for credit for Exceptional Credit GPA to the Education Department for reconsideration.

The NDOC properly applied days and credits towards Barral's sentence as reflected in his Credit History Report. Specifically, this Court confirms that Barral received the full days and credits owed for the following courses:

#	Date Earned	Description	Merit Credit Earned	Days Applied
1	07/18	College Certificate	60	60
2	03/01/20-02/01/21	AB 241 COVID Days	60	60
3	01/01/22	College Certificate	60	60
4	01/01/22	Exceptional GPA	60	60
5	07/22	1st Associate Degree	120	120

This Court finds that Barral both completed and was approved to receive the days and credits listed above.

Barral fails to demonstrate that he completed and was approved to receive credit for the following courses:

6	07/22	Exceptional GPA	60	30
7	01/23	2nd Associate Degree	90	45
8	01/23	Exceptional GPA	60	30
10	?	3rd Associate's Degree		

Finally, #9 refers to the course "Getting It Right: Contributing to the Community: 90" for which Barral received 0 credits. NDOC agrees that Barral completed this course but explains that he was not entitled to receive the 30 days credit for the court because he already maximized the additional credits he could receive in 2022. Specifically, Barral received 90 meritorious credits, in completing 60 credits

¹ The 3rd Associate's Degree is from Barral's original petition, in which he claimed he was owed credits for three Associate's Degrees.

1 for College Certificate and 30 credits for Victim Impact: Listen and Learn, in 2022 before completing
2 Getting It Right. Because Barral already received the full 90 days meritorious credit to which he was
3 entitled for 2022 pursuant to NRS 209.4465, he could not receive additional credit for Getting It Right.
4 This Court finds the NDOC properly found Barral was not entitled to receive additional credit for this
5 course.

6 The NDOC properly applied the full days/credits earned by Barral for the
7 program/meritorious/educational credits he completed and was approved to receive.

8 The Court deeming itself fully informed,

9 IT IS HEREBY ORDERED that Barral's Petition for Writ of Habeas Corpus and Supplemental
10 Brief to Petition for Writ of Habeas Corpus are **DENIED**.

11
12
13
14
15
16 Submitted by:

17 Dated this 10th day of May, 2023.

18 /s/ Heather D. Procter

19 Heather D. Procter
20 Chief Deputy Attorney General
21 State of Nevada
22 Office of the Attorney General
23 100 North Carson Street
24 Carson City, NV 89701-4717
25 (775) 684-1271 (phone)
26 (775) 684-1108 (fax)
27 hprocter@ag.nv.gov
28

**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: DUSTIN BARRAL vs TIM GARRETT, WARDEN LCC

Case Number: 27CV-WR1-2023-0059

Type: Order

It is so Ordered.

Judge Shirley

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

Dustin Barral

Plaintiff

vs.

NOTICE OF APPEAL

Tim Garrett, Warden LCC

Defendant / Respondent

NOTICE IS GIVEN that Plaintiff, Dustin Barral in pro se,
hereby appeals to the Nevada Supreme Court the Order Denying Petition for Writ of
Habeas Corpus and Supplemental Brief for Writ of Habeas Corpus

As filed/entered on the 3 day of August, 20 23, (complete if applicable) and the

_____, as filed on the _____

Day of _____, 20 _____, in the above-entitled Court.

Dustin Barral # 1108615

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

Petitioner, In Pro Se

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on the date below, I caused to be served through the United States Postal Service, hand delivery and/or by electronic mail, a true and correct copy of the NOTICE OF APPEAL on the following:


Name Warden Tim Garrett
LCC
Address 1200 Prison Rd
Email Lovelock, NV 89419

~~Attorney for Plaintiff~~

Name Address NV Attorney General
100 N. Carson St
Email Carson City, NV 89701

Attorney for Defendant/Respondent


DATED this 9 day of August, 20 23.



Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the proceeding NOTICE OF APPEAL filed in the District Court Case No. 27CV-WR1-2023-0059 does not contain the social security number of any person.

DATED this 9 day of August, 20 23. 
Dushin Baral # 1108615

Plaintiff in pro se

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN BARRAL,

Appellant,

vs.

TIM GARRET, WARDEN LCC,

Respondent.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Dustin Barral

2. Identify the judge issuing the decision, judgment or order appealed from:

Honorable Jim C. Shirley

3. Identify each appellant and the name and address of counsel for each appellant:

Dustin Barral #1108615

Pro Per
1200 Prison Road
Lovelock Correctional Center
Lovelock, NV. 89419

- 1
- 2
- 3
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

4 Tim Garret, Respondent

5 Heather Procter
6 Office of the Attorney General
7 100 North Carson Street
8 Carson City, NV. 89701-4717

- 9
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

10 N/A

- 11
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

12 No, Pro Per

- 13
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

14 No

- 15
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

16 No

- 17
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

18
19 Petition for Writ of Habeas Corpus (Computation of Time) was filed on
20 2/21/2023.

- 21
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:
- 22
- 23
- 24

Petition for Writ of Habeas Corpus (Computation of Time) was filed on 2/21/2023. Supplemental Brief to Petition for Writ of Habeas Corpus was filed on 3/28/2023. Warden Tim Garrett's Answer to Petition for Writ of Habeas Corpus and Supplemental Petition Challenging Computation of Time was filed on 5/10/2023. Case Management Conference hearing was held on 7/31/2023 in which the matter was taken under advisement. Order Denying Petition for Writ of Habeas Corpus and Supplemental Brief to Petition for Writ of Habeas Corpus was filed on 8/3/2023. Notice of Entry of Order was filed on 08/03/2023. Notice of Appeal was filed on 8/14/2023.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

This case has not previously been appealed to the Supreme Court.

12. Indicate whether this appeal involves child custody or visitation:

No

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

No, an Order Denying Petition for Writ of Habeas Corpus and Supplemental Brief to Petition for Writ of Habeas Corpus was filed.

Dated this 15th day of August 2023.

/s/ Adriana Ramos
Deputy Court Clerk
P.O. Box H
Lovelock, NV. 89419
(775) 273-2410

Case No. 27CV-WR1-2023-0059

*Pursuant to NRS 239B.030, the undersigned affirms that this
Document does not contain the social security numbers.*

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN JAMES BARRAL,

Petitioner,

vs.

TIM GARRETT, WARDEN LOVELOCK

CORRECTION CENTER,

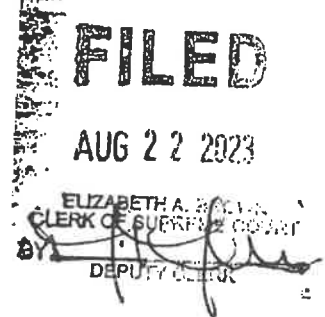
Respondents.

ORDER DIRECTING
TRANSMISSION OF RECORD AND
REGARDING BRIEFING

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
TIM GARRETT, WARDEN LOVELOCK
CORRECTIONAL,
Respondent.

No. 87139



*ORDER DIRECTING TRANSMISSION OF RECORD
AND REGARDING BRIEFING*

This court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 60 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

Within 120 days, appellant may file either (1) a brief that complies with the requirements in NRAP 28(a) and NRAP 32; or (2) the "Informal Brief Form for Pro Se Parties" provided by the supreme court clerk. NRAP 31(a)(1). If no brief is submitted, the appeal may be decided on the record on appeal. NRAP 34(g). Respondent need not file a response to any brief filed by appellant, unless ordered to do so by this court. NRAP

46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

 Higlin , C.J.

cc: Dustin James Barral
Attorney General/Carson City
Pershing County District Attorney
Clerk of the Court/Court Administrator

Case No. 27CV-WR1-2023-0059

Pursuant to NRS 239B.030, the undersigned affirms that this Document does not contain the social security numbers.

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING

DUSTIN JAMES BARRAL,

Petitioner;

vs.

TIM GARRETT, WARDEN LOVELOCK
CORRECTIONAL CENTER,

Respondent.

CERTIFICATE

State of Nevada)
 : ss.
County of Pershing)

I, Kimberly Torres, Clerk of the Court, do hereby certify that the following are true and correct copies of the original documents in the above-entitled case, which was appealed to the Supreme Court.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Lovelock, Nevada, this 29th day of August 2023.

KATE MARTIN
Eleventh Judicial District Court Clerk

By: Kimberly Torres
Deputy Clerk

**ELEVENTH JUDICIAL
DISTRICT COURT**

Jim C. Shirley
District Judge
Tel. (775) 273-2410
Fax (775) 273-4921



Kate Martin
Court Administrator
Tel. (775) 273-2410
kmartin@11thjudicialdistrictcourt.net

August 29, 2023

Elizabeth Brown
Supreme Court Clerk
201 South Carson Street
Carson City, NV 89701-4702

Re: Notice of Appeal / 27CV-WR1-2023-0059
Dustin J. Barral v Tim Garrett, Warden LLC

Enclosed, please find the Record on Appeal for the above-entitled matter as ordered by the Supreme Court on August 22, 2023.

Should you have any questions or require additional information, please do not hesitate to contact the Court.

KATE MARTIN
Eleventh Judicial District Court Clerk

By: Kimberly Torres
Deputy Clerk

KM/kt
Encl.

☒ **Pershing County**
P.O. Box H
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Tel. (775) 273-2410
Fax: (775) 273-2434

☐ **Lander County**
50 State Route 305
Battle Mountain, NV 89820
Tel. (775) 635-1332
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☐ **Mineral County**
P.O. Box 1450
Hawthorne, NV 89415-0400
Tel. (775) 945-0738
Fax: (775) 945-0706