

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON JOHNSON,
Appellant,
vs.
HDSP WARDEN WILLIAMS,
Respondent.

No. 73695

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Johnson appeals from a district court order denying the petition for a writ of habeas corpus filed on August 30, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


In his petition, Johnson claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentences as required by NRS 209.4465(7)(b). The district court denied Johnson's petition after finding he was not entitled to have statutory credits applied to his minimum sentence because he committed his crime after NRS 209.4465 was amended in 2007 and NRS 209.4465(8)(d) excludes category B felons from receiving credit toward their minimum sentence. The district court's findings are supported by the record,² and we conclude


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²The record on appeal does not include the charging document and the judgment of conviction. However, Johnson acknowledged in his pleading that he was convicted of establishing or possessing a financial

the district court did not err in determining Johnson was not entitled to have statutory credits applied to his minimum sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Brandon Johnson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

forgery laboratory (a category B felony) for a crime he committed in 2014. See NRS 205.46513(2).

³Johnson also claimed the application of NRS 209.4465(8) violated the Ex Post Facto Clause. However, because he committed his crime *after* NRS 209.4465(8) became effective in 2007, his claim is without merit. See *Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).