

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONALD JEFFREY MULDER,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 73715

FILED

JUL 17 2018

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

ORDER OF AFFIRMANCE

Ronald Jeffrey Mulder appeals from an order of the district court denying the postconviction petition for a writ a habeas corpus filed on April 14, 2017.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Mulder claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term. The district court denied the petition because Mulder is serving a prison term for first-degree murder, a category A felony, *see* NRS 200.030(4), which requires a minimum term to be served prior to parole eligibility. For that reason, the district court found the NDOC may only apply Mulder's statutory credits toward his maximum term. *See* NRS 209.4465(7)(b) (1995). Given these circumstances, we conclude the district court did not err by denying this claim.

Mulder also claimed the NDOC was erroneously applying NRS 209.4465(8)(d) to his sentence when that portion of the statute was not in

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).

effect at the time he committed his crime in 2001. This claim lacks merit. The NDOC is not applying NRS 209.4465(8)(d) to Mulder's sentence. Therefore, the district court did not err by denying this claim.

Finally, Mulder claimed the NDOC was violating his equal protection rights because other inmates were receiving statutory credits toward their minimum terms. Mulder failed to demonstrate a violation of the Equal Protection Clause because he failed to demonstrate he was similarly situated to those whose sentences did not fall within NRS 209.4465(7)(b), and precluding the most serious offenders from early release is rationally related to a legitimate governmental interest. *See Glauner v. Miller*, 184 F.3d 1053, 1054 (9th Cir. 1999) (“[P]risoners are not a suspect class and there is no fundamental constitutional right to parole.”); *Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 116, 173 (2000) (discussing levels of review). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. James E. Wilson, District Judge
Ronald Jeffrey Mulder
Attorney General/Carson City
Clark County District Attorney
Carson City Clerk