

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DWANVAE WILBERT PEARSON,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 75619

FILED

OCT 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Dwanvae Wilbert Pearson appeals from an order of the district court denying postconviction petitions for a writ of habeas corpus filed on March 30, 2017, and July 19, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Pearson claimed he was entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Pearson's claim lacked merit. NRS 209.4465(7) begins, "[e]xcept as otherwise provided in subsection[ ] 8," and NRS 209.4465(8)(d) specifically excludes offenders convicted of category B felonies from the application of statutory credits to their minimum sentences. Pearson was convicted of category B felonies committed after NRS 209.4465(8)'s effective date. See NRS 199.480(1); NRS 200.380(2). Accordingly, Pearson is not entitled to the application of credits to his minimum sentences.

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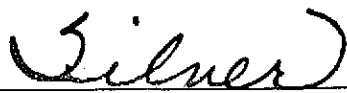
<sup>1</sup>The petitions were filed in separate case numbers below; the district court ordered the cases consolidated.


This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Pearson also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Pearson's claim lacked merit. A requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted years before Pearson committed his crimes, its application does not violate the Ex Post Facto Clause.

Pearson also claimed he was entitled to 40% and/or 58% off his maximum sentences pursuant to NRS 193.130(1) and NRS 209.4465(9)(a). Neither statutes provides for the application of credits to maximum sentences.

Having concluded Pearson's claims lack merit, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge  
Dwanvae Wilbert Pearson  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk