

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVIER DIAZ PAEZ,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 74717-COA

FILED

JAN 17 2019

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

ORDER OF AFFIRMANCE

Evier Diaz Paez appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 1, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Paez 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 Paez' petition after finding he had been convicted of category A and B felonies involving the use or threatened use of force or violence against the victim, he committed these crimes after NRS 209.4465 was amended in 2007, and NRS 209.4465(8) specifically excludes the application of statutory credits to the minimum sentences of felons convicted of these types of crimes. The district court's findings are supported by the record,² and we conclude the district

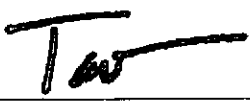
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

²Paez was convicted of attempted murder with the use of a deadly weapon and first-degree kidnapping with the use of a deadly weapon for

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

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Evier Diaz Paez
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk`

crimes he committed on October 14, 2007. See NRS 193.165(1); NRS 193.330(1)(a)(1); NRS 200.030(4), (5); NRS 200.320.