

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARIANO MADRID,
Appellant,
vs.
THE STATE OF NEVADA; AND JO
GENTRY, WARDEN,
Respondents.

No. 76192-COA

FILED

FEB 12 2019

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

ORDER OF AFFIRMANCE

Mariano Madrid appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on August 4, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Madrid claims the district court erred by denying his claim the Nevada Department of Corrections improperly declined to apply his statutory credits to the minimum term of his sentence. The district court concluded Madrid was not entitled to relief because he was convicted of first-degree murder with the use of a deadly weapon, a category A felony, and was sentenced pursuant to a statute that specified a minimum term he had to serve before he was eligible for parole. *See* NRS 200.030(4)(b)(2). We conclude the district court did not err by denying this claim. *See* NRS 209.4465(7)(b) (1997); *Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, 402 P.3d 1260, 1262 (2017).

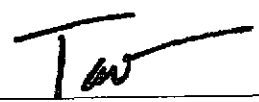
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

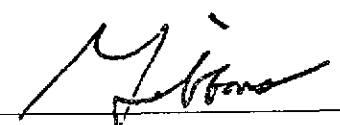
Madrid also argues the district court erred by denying his Ex Post Facto Clause claim. The district court denied this claim because NRS 209.4465(7)(b) (1997) was in place at the time he committed his crime in 1998, and therefore, there was no Ex Post Facto Clause violation. We conclude the district court did not err by denying this claim. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Finally, Madrid claims that the failure to apply credits to his minimum term violated the Equal Protection Clause. Madrid did not raise this claim in his petition below, and we decline to consider it for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). 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
Mariano Madrid
Attorney General/Las Vegas
Eighth District Court Clerk