

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH YOUMANS,  
Appellant,  
vs.  
JO GENTRY, WARDEN,  
Respondent.

No. 75975-COA

**FILED**

FEB 13 2019

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

*ORDER OF AFFIRMANCE*

Joseph Youmans appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 20, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Youmans argues the district court erred by denying his claim the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits to the minimum term of his sentence. The district court concluded Youmans was not entitled to relief because he is currently serving a prison sentence for discharge of a firearm from or within a structure or vehicle, a category B felony, *see* NRS 202.287(1)(b), committed the offense in 2016, and for those reasons, NDOC may only apply Youman's credits toward his maximum term pursuant to NRS 209.4465(8)(d). Given these circumstances, we conclude the district court did not err by denying this claim.

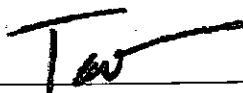
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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

Youmans also claimed NDOCs failure to apply his credits to his minimum term constituted an Ex Post Facto Clause violation. We conclude Youmans failed to demonstrate a violation because NRS 209.4465(7)(b) and NRS 209.4465(8) were in effect at the time he committed his crime and, therefore, were properly applied to him. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). 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  
Joseph Youmans  
Attorney General/Las Vegas  
Eighth District Court Clerk