

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY PAUL ELLIOTT, A/K/A
ANTHONY MORRIS,
Appellant,
vs.
ISIDRO BACA, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 75478-COA

FILED

FEB 15 2019

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

ORDER OF AFFIRMANCE

Anthony Paul Elliott appeals from an order of the district court dismissing a postconviction petition for a writ of habeas corpus filed on December 22, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


In his petition, Elliott claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits to the minimum term of his sentence. The district court concluded Elliott was not entitled to have credit applied to his minimum term because he had been convicted of first-degree murder, 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)(3). We conclude the district court did not err by denying this claim. See NRS 209.4465(7)(b), (8)(d).

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).

Elliott also claimed NDOC's failure to apply credits to his minimum term violated the Equal Protection and Ex Post Facto Clauses. We conclude the district court did not err by finding Elliott failed to demonstrate an equal protection or ex post facto violation. *Vickers v. Dzurenda*, 134 Nev. Adv. Op. 91 *8, ___ P.3d ___, ___ (Ct. App. 2018); *Weaver v. Graham*, 450 U.S. 24, 28-29 (1981); see also *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (a petitioner must support his claims with specific facts that, if true, entitle him to relief). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Anthony Paul Elliott
Attorney General/Carson City
Carson City Clerk