

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HECTOR GUZMAN-SALGADO,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 75789-COA

FILED

MAR 14 2019

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

ORDER OF AFFIRMANCE

Hector Guzman-Salgado appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 17, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Guzman-Salgado contends the district court erred by denying his petition challenging the computation of time served. Guzman-Salgado claimed he was entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b) and the failure to credit him violated the Ex Post Facto Clause. The district court found Guzman-Salgado was sentenced for a category B felony for a crime he committed after 2007 and was thus not entitled to the application of credits to his minimum sentence. *See* NRS 209.4465(8)(d). Although copies of Guzman-Salgado's charging document and judgment of conviction are not included in the record on appeal to support the district court's findings, we nevertheless affirm.

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).

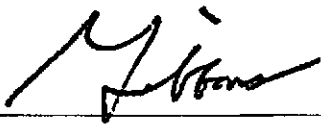
Whether Guzman-Salgado is entitled to the application of credits to his minimum sentence depends on when he committed his crime. *See generally Williams v. State*, 133 Nev. ___, 402 P.3d 1260 (2017) (holding credits should be applied to certain minimum sentences for crimes committed between the 1997 enactment and 2007 amendment of NRS 209.4465). Similarly, whether the application of a statute violates the Ex Post Facto Clause depends on when the crime was committed in relation to when the statute was amended or enacted. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981).

Guzman-Salgado claimed to have been convicted of a category B felony, *see* NRS 484B.550(3), but he did not state when he committed it. He thus failed to support his claims with necessary specific factual allegations. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding a petitioner is not entitled to an evidentiary hearing where his claims are unsupported by specific factual allegations that, if true, would have entitled him to relief). We therefore conclude the district court did not err by denying Guzman-Salgado's petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, J.
Tao



_____, J.
Gibbons



_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Hector Guzman-Salgado
Attorney General/Carson City
Eighth District Court Clerk