

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SERGIO ANTONIO PONCE-GARCIA,
Appellant,
vs.
ISIDRO BACA, WARDEN, NNCC; SEC.
JAMES DZURENDA, NDOC; DWAYNE
DEAL, EX. DIR. OMD; AND THE
STATE OF NEVADA,
Respondents.

No. 76331-COA

FILED

MAR 14 2019

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

ORDER OF AFFIRMANCE

Sergio Antonio Ponce-Garcia appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 9, 2018.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

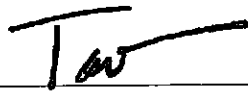
Ponce-Garcia claimed he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). The district court found Ponce-Garcia's sentence was the result of a conviction for a violation of NRS 484C.430, a category B felony, committed after the effective date of NRS 209.4465(8), which precludes the application of credits to minimum terms of sentences for such felonies. *See* NRS 209.4465(8)(c), (d). These findings are supported by the record. *See* NRS 484C.430(1). We therefore conclude the district court did not err by denying this claim.

Ponce-Garcia also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Ponce-Garcia's claim lacked merit

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

because NRS 209.4465(8) was enacted before Ponce-Garcia committed his crime. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). We therefore conclude the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
Sergio Antonio Ponce-Garcia
Attorney General/Carson City
Carson City Clerk