

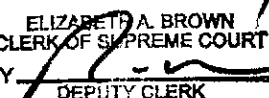
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODRIGO TINOCO MENDOZA,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 75572-COA

FILED

APR 05 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Rodrigo Tinoco Mendoza appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 8, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Mendoza 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 Mendoza's sentence was the result of a conviction for a category B felony committed after the effective date of NRS 209.4465(8)(d), which precludes the application of credits to minimum terms of sentences for such felonies. These findings are supported by the record. *See* NRS 484C.410(1). We therefore conclude the district court did not err by denying this claim.

Mendoza also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Mendoza's claim lacked merit. A requirement for an Ex Post Facto Clause violation is that the statute applies

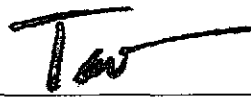
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


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to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Mendoza committed his crime, its application does not violate the Ex Post Facto Clause. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
Rodrigo Tinoco Mendoza
Attorney General/Carson City
Carson City Clerk