

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE RAMON TERRAZAS,  
Appellant,  
vs.  
THE STATE OF NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND JO GENTRY, WARDEN,  
SOUTHERN DESERT CORRECTIONAL  
CENTER (S.D.C.C.),  
Respondents.

No. 76674-COA

**FILED**

**MAY 31 2019**

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

*ORDER OF AFFIRMANCE*

Jose Ramon Terrazas appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 3, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Terrazas claimed he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). Terrazas was sentenced pursuant to NRS 200.030(5)(b) for a crime he committed in August 2003. At that time, NRS 200.030(5)(b) provided for a sentence “of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served.” 2003 Nev. Stat., ch. 137, § 7, at 771. At the same time, NRS 209.4465(7)(b) allowed for the application of statutory credits to minimum sentences only where the offender was not “sentenced pursuant to a statute which specifies a minimum sentence that must be served before

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<sup>1</sup>This 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).

a person becomes eligible for parole.” 2001 Nev. Stat., ch. 262, § 1, 1164. Because Terrazas’ sentencing statute specified a minimum sentence he had to serve before he became eligible for parole, he was not entitled to the application of credits to his minimum sentence. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 597-99, 402 P.3d 1260, 1263-65 (2017). We therefore conclude the district court did not err by denying this claim.

Terrazas also claimed the application of NRS 209.4465(8) to deny the application of credits to his parole eligibility violated the Ex Post Facto Clause. Terrazas’ claim lacked merit. A requirement for an Ex Post Facto Clause violation is that the statute disadvantages the offender. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). As discussed above, Terrazas was not entitled to the application of credits to his parole eligibility before NRS 209.4465(8) was enacted in 2007 such that its application would not be to Terrazas’ disadvantage. Accordingly, any application of the statute would not violate the Ex Post Facto Clause.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Linda Marie Bell, Chief Judge  
Jose Ramon Terrazas  
Attorney General/Las Vegas  
Eighth District Court Clerk