

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAWRENCE RONALD VALENTINE,
Appellant,
vs.
THE STATE OF NEVADA; N.D.O.C.;
AND BRIAN WILLIAMS, WARDEN,
Respondents.

No. 76704-COA

FILED

MAY 31 2019

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

ORDER OF AFFIRMANCE

Lawrence Ronald Valentine appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 4, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Valentine claimed he is entitled to the application of statutory credits to the minimum and maximum terms of his sentence pursuant to NRS 209.4465(7)(b). The district court found statutory credits were being applied to Valentine's maximum term. The district court further found Valentine'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 205.0835(4). We therefore conclude the district court did not err by denying this claim.

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).

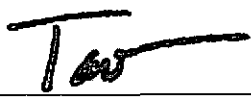
Valentine next claimed he was entitled to 40% and 58% off of the minimum and maximum terms of his sentence. No statute provides for such deductions from a sentence. NRS 193.130(1) sets an upper limit for a minimum term vis-à-vis a maximum term in a sentence, and NRS 209.4465(9) sets an upper limit for credits that can be applied to a sentence. We therefore conclude the district court did not err by denying these claims.


Valentine next claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. His claim lacked merit. A requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Valentine committed his crime, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying this claim.

Finally, Valentine challenged the validity of his judgment of conviction and the respondent's alleged failure to accommodate his disability. These claims are outside the scope of claims allowed in a postconviction petition challenging the computation of time served. See NRS 34.738(3); *Bowen v. Warden*, 100 Nev. 489, 686 P.2d 250 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Lawrence Ronald Valentine
Attorney General/Las Vegas
Eighth District Court Clerk