

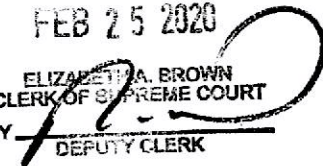
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAVIER GODOY-RUFINO,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 78776-COA

FILED

FEB 25 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Javier Godoy-Rufino appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 30, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Below, Godoy-Rufino claimed the Nevada Department of Corrections is failing to apply earned statutory good time credit to his minimum and maximum terms. The district court found that Godoy-Rufino was convicted of robbery with the use of a deadly weapon, battery with the use of a deadly weapon, and possession of a firearm with a changed, altered, removed, or obliterated serial number for crimes committed in 2016, and he was sentenced to an aggregate term of 96 to 360 months. The district court further found that Godoy-Rufino's sentence for robbery with the use of a deadly weapon is his controlling sentence. *See* NRS 213.1213(1). The district court concluded that, because his controlling sentence is for a category B felony, *see* NRS 200.380(2), and he committed his crimes after the effective date of NRS 209.4465(8), NRS 209.4465(8)(d) prohibits the application of statutory good time credit to Godoy-Rufino's minimum term. The district court further found that Godoy-Rufino's earned statutory good

time credit has been applied to his maximum sentence. The record supports the district court's findings, and we conclude the district court did not err by denying these claims.

Godoy-Rufino also claimed the failure to apply credit to his minimum term violates the Ex Post Facto and Equal Protection Clauses. The district court concluded that because Godoy-Rufino committed his offenses after the effective date of NRS 209.4465(8)(d), application of that statute does not violate the Ex Post Facto Clause. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). The district court further concluded Godoy-Rufino failed to demonstrate an equal protection violation. *See Vickers v. Dzurenda*, 134 Nev. 747, 751-52, 433 P.3d 306, 310 (Ct. App. 2018) (rejecting a similar claim). We conclude the district court did not err by denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Javier Godoy-Rufino
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk