

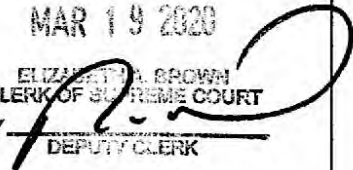
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO THOMASSON,  
Appellant,  
vs.  
JERRY HOWELL, WARDEN,  
Respondent.

No. 78910-COA

FILED

MAR 19 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Antonio Thomasson appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 3, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Thomasson claimed the Nevada Department of Corrections (NDOC) is failing to apply statutory credit to his minimum sentence imposed for the category D felony he committed in 2017. He further claimed this violates his equal protection rights where NDOC applied credit to the minimum sentences of similarly situated offenders.

The district court found Thomasson had already been to the parole board for his aggregated sentence and, accordingly, his claim that he was entitled to credit was moot. Moreover, as a separate and independent ground to deny relief, the district court found NDOC was applying the credit to Thomasson's minimum sentence. These findings are supported by the record, and we conclude the district court did not err by denying these claims. *See Williams v. State Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (noting no relief can be provided where the petitioner has already appeared before the parole board); *Gaines v. State*, 116 Nev.

359, 371, 998 P.2d 166, 173 (2000) ("The Equal Protection Clause . . . mandates that all persons similarly situated receive like treatment under the law.").

Thomasson also claimed the application of NRS 209.4465(8) to deny him credit to his minimum sentence for his category B felony violates the Ex Post Facto Clause. 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). NRS 209.4465(8) was enacted before Thomasson committed his crime. Accordingly, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying Thomasson's petition.

Having concluded Thomasson was not entitled to relief on any of his claims, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tierra Danielle Jones, District Judge  
Antonio Thomasson  
Attorney General/Carson City  
Eighth District Court Clerk