

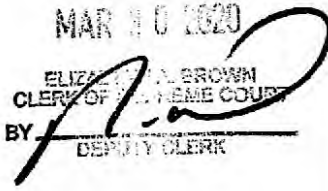
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAMIRO J. CAMACHO, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79269-COA

FILED

MAR 20 2020

ELIZABETH A. BROWN  
CLERK OF THE SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Ramiro J. Camacho, Jr. appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 18, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Camacho claims the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) violated his due process and equal protection rights by not awarding him work or meritorious credits when he was willing and able to work or engage in study.<sup>1</sup> The district court concluded Camacho was not entitled to work or meritorious credits because he did not actually perform work or engage in study that qualified for meritorious credits. The record supports the decision of the district court. This court has previously rejected a similar

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<sup>1</sup>To the extent Camacho challenged NDOC's policies regarding working and studying, this claim challenged the conditions of confinement and, therefore, was not cognizable in a postconviction petition for a writ of habeas corpus challenging the computation of time served. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).


claim. *See Vickers v. Dzurenda*, 134 Nev. 747, 748, 433 P.3d 306, 308 (2018). Therefore, we conclude the district court did not err by denying this claim.

Camacho also argues the district court erred by denying his cruel and unusual punishment argument. Camacho claimed his sentence constitutes cruel and unusual punishment because he is being forced to serve more time “than normal” as a result of not receiving credit toward his maximum sentence for work and study. This claim challenged the validity of the judgment of conviction and sentence and was not properly raised in a postconviction petition for a writ of habeas corpus challenging the computation of time served. *See NRS 34.738(3)*. Further, as a separate and independent ground to deny relief, Camacho failed to demonstrate that serving the sentence imposed of 96 to 240 months, without reduction for working and studying, constituted cruel and unusual punishment. *See Blume v. State*, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996). Therefore, the district court did not err by denying this claim.

Finally, Camacho argues the district court erred by denying his claim that he was entitled to statutory credit for time he spent working while he was in jail prior to his conviction. The district court concluded this claim was outside the scope of those permitted in a postconviction petition for a writ of habeas corpus challenging the computation of time served. The record supports the decision of the district court. Camacho’s claim challenged the award of presentence credits. Therefore, his claim was a challenge to the judgment of conviction that must be raised on direct appeal from the judgment of conviction or in a postconviction petition for a writ of habeas corpus challenging the judgment of conviction. *See Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006). Therefore, we conclude the district court did not err by denying this claim.

Having concluded Camacho is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tierra Danielle Jones, District Judge  
Ramiro J. Camacho, Jr.  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk