

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIO CESAR PACHECO-AYON,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND WILLIAM A. GITTERE, WARDEN,
Respondents.

No. 79216-COA

FILED

MAY 22 2020

EDITH BROWN
CLERK OF SUPREME COURT
BY _____
DEPUTY CLERK

ORDER OF AFFIRMANCE

Julio Cesar Pacheco-Ayon appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Seventh Judicial District Court, White Pine County; Gary Fairman, Judge.

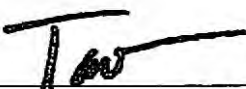
Pacheco-Ayon argues the district court erred by denying his June 13, 2019, petition. In his petition, Pacheco-Ayon claimed he was entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Pacheco-Ayon's sentences were the result of convictions for category A or B felonies committed in 2018, after the effective date of NRS 209.4465(8)(d). These findings are supported by the record. Because Pacheco-Ayon was convicted of category A or B felonies, *see* NRS 453.316(1); NRS 453.321(2); NRS 453.3385(1), committed after the effective date of NRS 209.4465(8)(d), he was precluded from the application of credits to his minimum sentences. We therefore conclude the district court did not err by denying this claim.

Pacheco-Ayon also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Pacheco-Ayon's 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 Pacheco-Ayon committed his crimes, its application does not violate the Ex Post Facto Clause. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gary Fairman, District Judge
Julio Cesar Pacheco-Ayon
Attorney General/Carson City
White Pine County Clerk