

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEMARENE COLEMAN,
Appellant,
vs.
THE STATE OF NEVADA; NDOC; J.
HILDERBRAND; W. SANDIE;
DWAYNE DEAL; OMD; AND JAMES
DZURENDA, DIRECTOR,
Respondents.

No. 80055-COA

FILED

MAY 26 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *J. Upenim*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Demarene Coleman appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 14, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.


Coleman claims the district court erred by denying his claims that he is entitled to have credit applied to his minimum term and the application of NRS 209.4465(8) to deny him credit on his minimum term constitutes an ex post facto violation. The district court found that Coleman is actively serving a sentence of 50 years with the possibility of parole after 20 years has been served for his first-degree murder conviction.¹ The

¹The record demonstrates that Coleman was also convicted of battery with the use of a deadly weapon, but he has already discharged the sentence for that conviction. To the extent Coleman alleged he was entitled to have credit applied retroactively to the minimum term of this sentence, he was not entitled to relief. *See Williams v. State, Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017) (“[N]o relief can be afforded where the offender has already expired the sentence.”).

district court concluded that because Coleman's active sentence was imposed pursuant to a statute that requires him to serve a mandatory minimum term before being eligible for parole, *see* NRS 200.030(4)(b)(3), NRS 200.4465(7)(b) precludes the application of statutory good-time credit to the minimum term of his active sentence. The district court further found there is no *ex post facto* violation because NRS 209.4465(8) is not being applied to Coleman's time computation. The district court therefore denied Coleman's petition. The record supports the district court's findings, and we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Demarene Coleman
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk