

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RYAN JON GIRNUS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79503-COA

**FILED**

**JUN 12 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Ryan Jon Girnus appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Girnus argues the district court erred by denying his April 22, 2019, petition. In his petition, Girnus claimed he was entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7). The district court found Girnus' sentences were the result of convictions for category B felonies committed in 2015, after the effective date of NRS 209.4465(8)(d). These findings are supported by the record. Because Girnus was convicted of category B felonies, see NRS 193.330(1)(a)(1); NRS 200.320; NRS 205.067(2), 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.

Next, Girnus claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Girnus' 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 Girus committed his crimes, its application does not violate the Ex Post Facto Clause. Therefore, the district court did not err by denying this claim.

Next, Girus appears to argue the district court erred in denying the petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims that are supported by specific allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). The district court concluded Girus' claims did not meet that standard and the record before this court reveals the district court's conclusions in this regard were proper. Therefore, the district court properly denied the petition without conducting an evidentiary hearing.

Finally, Girus appears to argue the district court erred by denying the petition without appointing postconviction counsel. However, the issues Girus presented were not difficult, he appeared able to comprehend the proceedings, and it does not appear counsel was necessary to proceed with any discovery. We therefore conclude the district court did not abuse its discretion by denying the petition without appointing postconviction counsel. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. 75, 391 P.3d 760 (2017). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Tierra Danielle Jones, District Judge  
Ryan Jon Girnus  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk