

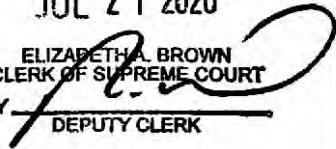
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEWEARL GOLDMAN,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 79761-COA

FILED

JUL 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Dewearl Goldman 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.


In his June 27, 2019, petition, Goldman first claimed the Nevada Department of Corrections improperly declined to apply his statutory credits toward his parole eligibility date. The district court found Goldman was serving concurrent terms for convictions of discharging a firearm at or into a structure, vehicle, aircraft, or watercraft and attempted ownership or possession of a firearm by a prohibited person. The district court also found Goldman committed those offenses in 2018. The district court further found Goldman's parole eligibility date was based on the sentence that required the longest period before he is eligible for parole, see NRS 213.1213(1), and for that reason, Goldman's parole eligibility date was controlled by his sentence for discharging a firearm at or into a structure, vehicle, aircraft, or watercraft, as that sentence carried the longest minimum term. See NRS 193.330(1)(a)(3); NRS 202.285(1)(b); NRS 202.360(1).

Accordingly, Goldman was not entitled to relief because his controlling sentence was for a category B felony involving the use of violence, committed after the effective date of NRS 209.4465(8), and for those reasons, Goldman was not entitled to application of credits toward his minimum parole eligibility date. Given these circumstances, we conclude the district court did not err by denying this claim.

Second, Goldman claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because Goldman committed his crimes after NRS 209.4465(8) became effective in 2007, his claim was without merit. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). Therefore, the district court did not err by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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