

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MIGUEL ANGEL TORRES,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 79866-COA

FILED

JUL 30 2020

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

ORDER OF AFFIRMANCE

Miguel Angel Torres appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 16, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

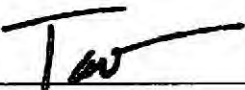
Torres claimed he is entitled to the application of statutory credit to his minimum sentence pursuant to NRS 209.4465(7)(b). The district court found Torres's sentence was the result of a conviction for a violent category B felony committed after the effective date of NRS 209.4465(8), which precludes the application of credit to minimum terms for such felonies, *see* NRS 209.4465(8)(a), (d). These findings are supported by the record. *See* NRS 200.471(2)(b). Therefore, we conclude the district court did not err by denying this claim.

Torres also claimed the application of NRS 209.4465(8) violates the Ex Post Facto and Equal Protection Clauses. The district court concluded that because Torres committed his offenses after the effective date of NRS 209.4465(8), application of that statute does not violate the Ex Post Facto Clause. The district court further concluded Torres failed to demonstrate an equal protection violation. We conclude the district court

did not err by denying these claims. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981); *cf. Vickers v. Dzurenda*, 134 Nev. 747, 751-52, 433 P.3d 306, 310 (Ct. App. 2018). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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