

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARLOS GEOVANI GARCIA, JR.,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 80125-COA

FILED

AUG 31 2020

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

ORDER OF AFFIRMANCE


Carlos Geovani Garcia, Jr., 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; Steve L. Dobrescu, Judge.

In his October 21, 2019, petition, Garcia first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his parole eligibility dates. The district court found Garcia was serving terms for category B felonies he committed after the effective date of NRS 209.4465(8). These findings are in accord with Garcia's allegations in his petition. Because Garcia was convicted of category B felonies, *see* NRS 193.165(1); NRS 199.480(1); NRS 200.380(2); NRS 205.060(4), committed after the effective date of NRS 209.4465(8)(d), he was precluded from the application of credits to his minimum parole eligibility dates. We therefore conclude the district court did not err by denying this claim.


Second, Garcia claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because Garcia committed his crimes after NRS 209.4465(8) became effective in 2007, this 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. Steve L. Dobrescu, District Judge
Carlos Geovani Garcia, Jr.
Attorney General/Carson City
White Pine County Clerk