

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY D. BOYD,
Appellant,
vs.
TIMOTHY FILSON, WARDEN,
Respondent.

No. 80440-COA

FILED

SEP 18 2020

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

ORDER OF AFFIRMANCE

Gregory D. Boyd appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 27, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Boyd claimed that, pursuant to NRS 209.4465(7)(b), he is entitled to the application of statutory credits to his minimum sentences for crimes he committed in 2006. At the time Boyd committed his crimes, NRS 209.4465(7)(b) allowed for the application of statutory credits to minimum sentences only where the offender was not “sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.” 2003 Nev. Stat., ch. 259, § 13, at 1368, ch. 426, § 9, at 2578.

The district court found Boyd is currently serving a sentence for first-degree murder with the use of a deadly weapon, which was imposed to run concurrently to a shorter sentence for conspiracy to commit murder. These findings are supported by the record before this court. Boyd’s murder sentence is the controlling sentence, *see* NRS 213.1213(1), and it was imposed pursuant to a statute that provided for “eligibility for parole

beginning when a minimum of 20 years has been served,” NRS 200.030(4)(b)(2); *see also* 1995 Nev. Stat., ch. 455, § 1, at 1431 (former NRS 193.165(2)). Accordingly, Boyd was not entitled to the application of statutory credits to his minimum sentence, *see Williams v. State Dep’t of Corr.*, 133 Nev. 594, 597-99, 402 P.3d 1260, 1263-64 (2017), and we conclude the district court did not err by denying this claim.

Boyd also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Boyd failed to demonstrate NRS 209.4465(8) is being applied to his sentence. We therefore conclude the district court did not err by denying this claim.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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