

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERRELL LEE CHRISTY, JR.,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 81010-COA

FILED

OCT 16 2020

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

ORDER OF AFFIRMANCE

Derrell Lee Christy, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 5, 2019. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Christy claimed he is entitled to the application of good-time credits to his aggregated minimum sentence pursuant to NRS 209.4465(7)(b). The district court found Christy's controlling sentence was the result of a conviction for attempted murder with the use of a deadly weapon committed in 2016, after the effective date of NRS 209.4465(8)(d). These findings are supported by the record. Because Christy was convicted of a category B felony, *see* NRS 193.165(3); NRS 193.330(1)(a)(1); NRS 200.030(4), (5), committed after the effective date of NRS 209.4465(8)(d), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his aggregated minimum sentence. We therefore conclude the district court did not err by denying this claim.


Christy also claimed he is entitled to the application of 20 days of good-time credits per month to his aggregated maximum sentence. The district court found the credits are being applied to Christy's aggregated

maximum sentence. This finding is supported by the record. We therefore conclude the district court did not err by denying this claim.

To the extent Christy claimed that the application of NRS 209.4465(8) violated the Equal Protection Clause, this court has addressed a similar claim and found it to lack merit. *See Vickers v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-10 (Ct. App. 2018). And to the extent Christy claimed the application of NRS 209.4465(8) violated the Ex Post Facto Clause, his claim lacked merit because he committed his crimes after NRS 209.4465(8) was enacted. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (holding a requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted). We therefore conclude the district court did not err by denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Derrell Lee Christy, Jr.
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk