

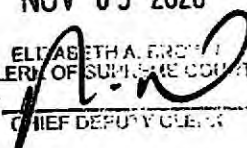
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRENT HENRICKSON,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 80823-COA

FILED

NOV 09 2020

ELIZABETH A. BROOKS  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Trent Henrickson appeals from an order of the district court denying a December 20, 2019, postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

First, Henrickson claims the Nevada Department of Corrections violated the Double Jeopardy Clause by failing to calculate a mandatory parole release date for his robbery sentence. Henrickson contends the lack of a mandatory parole release date for his robbery sentence improperly extended his time in prison, resulting in double punishment.

Henrickson is not eligible for a mandatory parole release date for his robbery sentence because he has a consecutive sentence he must serve due to a conviction for second-degree arson. See NRS 213.1215(1). Moreover, parole is an act of grace that is within the legislative authority; a prisoner has no constitutional right to parole, see NRS 213.10705; *Niergarth v. Warden*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989), and Henrickson does not have a right “to be conditionally released before the expiration of a valid sentence,” *Greenholtz v. Inmates of Neb. Penal Corr. Complex*, 442 U.S. 1, 7 (1979). Because Henrickson does not have a

constitutional right to be released on parole prior to the expiration of his sentence, he fails to demonstrate that denial of a mandatory parole release date for his robbery sentence violated his right against double jeopardy or improperly extended his time in prison.

Second, Henrickson claims that application of NRS 213.1215(1) violated the Ex Post Facto Clause. However, a requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 213.1215(1) was enacted before Henrickson committed his crime, its application does not violate the Ex Post Facto Clause. Therefore, Henrickson is not entitled to relief.

Third, Henrickson appears to claim that application of NRS 213.1215(1) violated the Equal Protection Clause. “[I]nmates are not a suspect class,” and “there is no fundamental constitutional right to parole.” *Vickers v. Dzurenda*, 134 Nev. 747, 750, 433 P.3d 306, 309 (Ct. App. 2018). Therefore, Henrickson has the burden to demonstrate application of NRS 213.1215(1) was not rationally related to a legitimate governmental interest. *See id.* at 750, 433 P.3d at 309. However, Henrickson does not attempt to demonstrate that application of NRS 213.1215(1) was not rationally related to a legitimate governmental interest, and therefore, he fails to demonstrate he is entitled to relief.

Fourth, Henrickson claims application of NRS 213.1215(1) violated NRS 176.0131. However, Henrickson does not provide cogent argument concerning this issue, and we thus decline to address it. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).


Fifth, Henrickson appears to claim the district court erred by denying the petition without appointing postconviction counsel. The

appointment of counsel in this matter was discretionary. See NRS 34.750(1). When deciding whether to appoint counsel, the district court may consider factors, including whether the issues presented are difficult, whether the petitioner is unable to comprehend the proceedings, or whether counsel is necessary to proceed with discovery. *Id.* However, the issues in this matter were not difficult, Henrickson was able to comprehend the proceedings, and discovery with the aid of counsel was not necessary. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 761 (2017). Therefore, we conclude the district court did not abuse its discretion by denying the petition without appointing postconviction counsel.

Sixth, Henrickson appears to claim the district court erred by denying the petition without conducting an evidentiary hearing. To warrant an evidentiary hearing, a petitioner must raise claims supported by specific allegations that are not belied by the record and, if true, would entitle him to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Because Henrickson did not raise claims that, if true, would entitle him to relief, we conclude the district court did not err by denying the petition without conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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