

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LAILONI DEANDRE MORRISON,
Appellant,
vs.
NDOC; DIRECTOR JAMES
DZURENDA; CLARK COUNTY
DETENTION CENTER; AND THE
STATE OF NEVADA,
Respondents.

No. 80742-COA

FILED

NOV 20 2020

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

ORDER OF AFFIRMANCE

Lailoni Deandre Morrison appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 9, 2019. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Morrison claimed he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). The district court found that Morrison was convicted of second-degree murder with the use of a deadly weapon, which he committed in 2001. These findings are supported by the record before this court. Morrison was sentenced pursuant to a statute that provided for "eligibility for parole beginning when a minimum of 10 years has been served." NRS 200.030(5)(a). Accordingly, he was not entitled to the application of statutory credits to his minimum sentence. *See* 1997 Nev. Stat., ch. 641, §

4, at 3175 (NRS 209.4465(7)(b)); *Williams v. State Dep't of Corr.*, 133 Nev. 594, 597-99, 402 P.3d 1260, 1263-64 (2017). We therefore conclude the district court did not err by denying this claim.

Morrison next claimed he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(9). NRS 209.4465(9) places an upper limit on the amount of earned credits that can be applied to sentences. It does not confer any additional right to credit. We therefore conclude the district court did not err by denying this claim.


Morrison next claimed the application of NRS 209.4465(8) to deny him the application of statutory credits to his minimum sentence violates the Ex Post Facto Clause. As discussed above, NRS 209.4465(7)(b) precluded the application of credits to Morrison's minimum sentence. Thus, even if NRS 209.4465(8) were applied retroactively to Morrison, it would not have disadvantaged him. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (explaining the two elements of an ex post facto violation are that the law is retroactive and it disadvantaged the offender). We therefore conclude the district court did not err by denying this claim.

Finally, Morrison claimed the application of NRS 209.4465(8) violates the Equal Protection Clause because the Nevada Department of Corrections (NDOC) did not automatically recalculate every sentence based upon a Nevada Supreme Court order. Morrison did not allege specific facts that demonstrated NDOC's actions failed to give all similarly situated

persons “like treatment under the law.” *Gaines v. State*, 116 Nev. 359, 371, 998 P.2d 166, 173 (2000). We therefore conclude the district court did not err by denying this claim. *See Rippo v. State*, 134 Nev. 411, 426, 423 P.3d 1084, 1100 (2018).

Having concluded Morrison’s claims lack merit, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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