

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRYAN PHILLIP BONHAM,
Appellant,
vs.
CALVIN JOHNSON, WARDEN,
Respondent.

No. 82293-COA

FILED

MAY 25 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bryan Phillip Bonham appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 29, 2020. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Bonham claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Bonham's sentences were the result of convictions for first-degree kidnapping and sexual assault, both committed after the effective date of NRS 209.4465(8). These findings are supported by the record. Because Bonham's convictions were for category A and B felonies, *see* NRS 193.330(1)(a)(1); NRS 200.320; NRS 200.366(2), 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 minimum sentences. We therefore conclude the district court did not err by denying this claim.

Bonham next claimed the application of NRS 209.4465(8) violates the Due Process Clause. The application of statutory credits "only serves to make an offender eligible for parole earlier." *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 600 n.7, 402 P.3d 1260, 1265 n.7 (2017). And


Nevada's parole scheme "creates no protectable liberty interest sufficient to invoke the Due Process Clause." *Anselmo v. Bisbee*, 133 Nev. 317, 320, 396 P.3d 848, 850-51 (2017) (internal quotation marks omitted). We therefore conclude the district court did not err by denying this claim.

Bonham next claimed the application of NRS 209.4465(8) violates 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). We therefore conclude the district court did not err by denying this claim.

Finally, Bonham claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. 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 209.4465(8) was enacted before Bonham committed his crimes, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹To the extent Bonham attempts to raise additional claims on appeal, they were not raised in the district court, and we decline to consider them on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

cc: Hon. Joseph Hardy, Jr., District Judge
Bryan Phillip Bonham
Attorney General/Carson City
Eighth District Court Clerk