

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN PAUL WEISS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83457-COA

FILED

MAR 30 2022

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

ORDER OF AFFIRMANCE

Justin Paul Weiss appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 26, 2021. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Weiss 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 Weiss's sentence was the result of a conviction for voluntary manslaughter committed after the effective date of NRS 209.4465(8). These findings are supported by the record. Because Weiss was convicted of a crime of violence and a category B felony, *see* NRS 200.080, committed after the effective date of NRS 209.4465(8)(a) and (d), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his minimum sentence. We therefore conclude the district court did not err by denying this claim.¹


¹To the extent Weiss argued his claims should be evaluated under NRS 209.443, he failed to demonstrate this statute applied to him because he committed his crime after July 1, 1985.

Weiss also 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, Weiss 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 Weiss committed his crime, 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.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Erika D. Ballou, District Judge
Justin Paul Weiss
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk