

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CESAR VALENCIA,
Appellant,
vs.
CALVIN JOHNSON, WARDEN,
Respondent.

No. 86077-COA

FILED

JUL 26 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cesar Valencia appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Valencia argues that the district court erred by denying his November 3, 2022, petition. In his petition, Valencia contended that he was entitled to the application of credits to his minimum sentence pursuant to NRS 209.4465(7)(b) and *Williams v. State Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017), because his conviction was for a non-violent offense.

Valencia's sentence was the result of a conviction for trafficking in a controlled substance committed in 2019. Because Valencia's sentence was for a category B felony, *see* 2015 Nev. Stat., ch. 506, § 6, at 3088, committed after the effective date of NRS 209.4465(8), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, Valencia was not entitled to the application of statutory credits to his minimum term. *See* NRS 209.4465(8)(d).

Moreover, in *Williams*, the Nevada Supreme Court specifically stated that its "interpretation of NRS 209.4465(7)(b) applies only to crimes committed on or between July 17, 1997 (the effective date of NRS 209.4465)

and June 30, 2007 (the effective date of NRS 209.4465(8)).” 133 Nev. at 600 n.7, 402 P.3d at 1265 n.7. Valencia committed his offense in 2019, and therefore, Valencia is not entitled to relief based on the *Williams* decision. Accordingly, we conclude the district court did not err by denying this claim, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Cesar Valencia
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk