

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAURICE JILES,
Appellant,
vs.
BRIAN E. WILLIAMS, WARDEN,
Respondent.

No. 71003

FILED

MAY 13 2017

ELIZABETH A. CROWN
CLERK OF SUPREME COURT
BY *A. Wilcox*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Maurice Jiles appeals from an order of the district court denying the “Plaintiff’s complaint and request court’s ‘order’ to Nevada Department of Corrections (NDOC) and Warden Brian Williams Sr. to properly ‘apply’ lawful stat time under statutes and AB510 applications” he filed on April 4, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

First, Jiles claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum term.² The district court concluded Jiles was not entitled to relief because Jiles is currently serving prison terms for burglary and grand larceny, both category B felonies, *see* 1995 Nev. Stat., ch. 443, § 124, at 1215; 1997 Nev. Stat., ch. 150, § 12, at 341, committed in 2009, and for those reasons, the NDOC may only apply Jiles’ statutory credits toward his maximum term pursuant to NRS 209.4465(8). Given these

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


²We conclude the district court did not abuse its discretion by construing the complaint as a postconviction petition for a writ of habeas corpus. *See* NRS 34.720(2).


circumstances, we conclude the district court did not err in denying this claim.

Second, Jiles claimed the failure to apply statutory credits towards his minimum term violates the Ex Post Facto Clause. The statutes in effect at the time Jiles committed his offense govern. See *Weaver v. Graham*, 450 U.S. 24, 29 (1981); *Goldsworthy v. Hannifin*, 86 Nev. 252, 255, 468 P.2d 350, 352 (1970). The version of NRS 209.4465 in effect when Jiles committed the burglary and grand larceny did not permit statutory credits to apply toward Jiles' minimum term. See 2007 Nev. Stat., ch. 525, § 5, at 3176. Jiles failed to demonstrate an ex post facto violation and therefore, we conclude, the district court did not err in denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Maurice Jiles
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk