

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMIR NEJABAT,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 75059

FILED

OCT 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

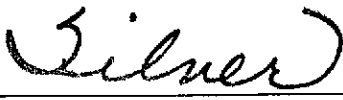
Amir Nejabat appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 15, 2017.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.


Nejabat claimed the Nevada Department of Corrections is not applying statutory credits to his minimum sentence in violation of NRS 209.4465(7)(b) and the Ex Post Facto Clause. Nejabat's claims lacked merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) specifically excludes offenders convicted of category B felonies from applying statutory credits to their minimum sentences. Nejabat was sentenced for a category B felony, *see* NRS 205.222(3), for an offense committed after NRS 209.4465(8)'s effective date. Nejabat is therefore not entitled to the application of credits to his minimum sentence, and the exclusion does not violate the Ex Post Facto Clause. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (holding a statute violates the Ex Post Facto


¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Clause only when it applied to events that occurred prior to its enactment).
Accordingly, we conclude the district court did not err by denying Nejabat's
petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Amir Nejabat
Attorney General/Carson City
Carson City Clerk