

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MAURICE HOLMES,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 75129-COA

**FILED**

DEC 19 2018

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

*ORDER OF AFFIRMANCE*

Maurice Holmes appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 8, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Holmes claimed the Nevada Department of Corrections was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b). However, the record demonstrates Holmes was convicted of a category B felony for conduct that occurred after NRS 209.4465 was amended in 2007,<sup>2</sup> and, therefore, he is not entitled to relief on this claim. See NRS 209.4465(8)(d) (excluding category B felons from receiving credit toward their minimum sentence).

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<sup>1</sup>This 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).

<sup>2</sup>Holmes was convicted of ownership or possession of a firearm by a prohibited person for conduct that occurred on or about October 15, 2015. See NRS 202.360(1).

Holmes also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because he committed his crime after NRS 209.4465(8) became effective in 2007, his claim is without merit. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Having concluded Holmes is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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