

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE GUADALUPE BRAVO,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 75882-COA

**FILED**

JAN 31 2019

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

*ORDER OF AFFIRMANCE*

Jose Guadalupe Bravo appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 15, 2018.<sup>1</sup> Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Bravo claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Bravo's controlling sentences were the result of convictions for category A and B felonies committed after the effective date of NRS 209.4465(8)(d), which precludes the application of credits to minimum terms of sentences for such felonies. These findings are supported by the record. *See* NRS 200.320; NRS 200.471(2)(b). We therefore conclude the district court did not err by denying this claim.<sup>2</sup>

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

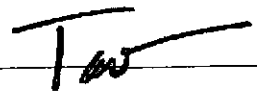
<sup>2</sup>Bravo made only bare claims that the failure to apply credits to his minimum terms violated the Due Process Clause, the Eighth Amendment, and his right to a speedy trial and compulsory process. We thus conclude he was not entitled to relief on these grounds. *See Hargrove v. State*, 100


Bravo next claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Bravo's claim lacked merit. 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 Bravo committed his crimes, its application does not violate the Ex Post Facto Clause.

Bravo also claims the district court erred by referring him for the forfeiture of statutory credits. Nothing in the record before this court suggests the district court referred Bravo for the forfeiture of credits. We therefore conclude Bravo is not entitled to relief on this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, A.C.J.  
Douglas

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

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

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Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding bare allegations are insufficient to warrant relief).

<sup>3</sup>To the extent Bravo attempts to raise new claims for the first time on appeal, we decline to consider those claims. See *McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). We note, however, that disparate treatment of offenders' sentences based on the date the offenses were committed does not violate the Equal Protection Clause. See *Vickers v. Dzurenda*, 134 Nev. Adv. Op. 91 \*8, \_\_\_ P.3d, \_\_\_, \_\_\_ (Ct. App. 2018).

cc: Hon. Jim C. Shirley, District Judge  
Jose Guadalupe Bravo  
Attorney General/Carson City  
Pershing County Clerk