

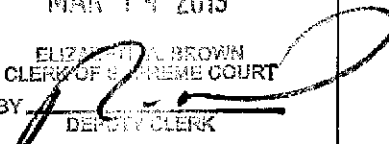
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TACUMA MWANZA-EL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76415-COA

FILED

MAR 14 2019

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Tacuma Mwanza-El appeals from a judgment of conviction, entered pursuant to a guilty plea, of sex offender failure to notify appropriate agencies of change of address. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

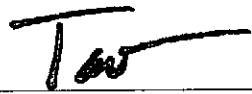
Mwanza-El argues the district court abused its discretion by sentencing him to a prison term rather than placing him on probation. The granting of probation is discretionary. *See* NRS 176A.100(1)(c). *See generally Houk v. State*, 103 Nev. 659, 664, 747 P.2d 1376, 1379 (1987) (“The sentencing judge has wide discretion in imposing a sentence”). This court will refrain from interfering with the sentence imposed “[s]o long as the record does not demonstrate prejudice resulting from consideration of information or accusations founded on facts supported only by impalpable or highly suspect evidence.” *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).


The sentence imposed of 19 to 48 months is within the parameters provided by the relevant statutes, *see* NRS 179D.550(1); NRS 193.130(2)(d), and Mwanza-El does not allege that the district court relied on impalpable or highly suspect evidence. The district court determined

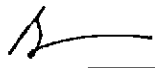
19-11389

Mwanza-El should be sentenced to prison rather than placed on probation based on his past failures to register. Given this circumstance, and Mwanza-El's extensive criminal history, we conclude the district court did not abuse its discretion in declining to suspend the sentence and place Mwanza-El on probation. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Docket Number - 75904-COA



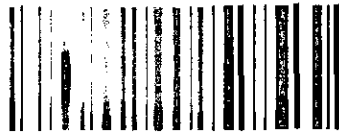
75904-COA

Document Year - 2019



2019

Document Number - 11390



11390

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KAYSEAN MANOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75904-COA

FILED

MAR 14 2019

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

ORDER OF AFFIRMANCE

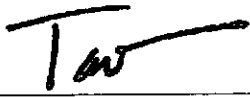
Kaysean Manor appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on March 6, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Manor 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 Manor's sentences were the result of convictions for category 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 193.165(1); NRS 199.480(1); NRS 200.380(2); NRS 205.060(2). We therefore conclude the district court did not err by denying this claim.

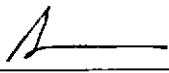
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Manor also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Manor's claim lacked merit because NRS 209.4465(8) was enacted before Manor committed his crimes. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Kaysean Manor
Attorney General/Las Vegas
Eighth District Court Clerk

²To the extent Manor claimed the Nevada Department of Corrections was failing to apply his statutory credits to his maximum sentence, his claim is belied by the record.

Docket Number - 75937-COA



75937-COA

Document Year - 2019



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Document Number - 11391



11391

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN RAY HOLMES,
Appellant,
vs.
NEVADA DEPARTMENT OF
CORRECTIONS; WARDEN, WSS; AND
BOARD OF PAROLE
COMMISSIONERS,
Respondents.

No. 75937-COA

FILED

MAR 14 2019

ELIZABETH HALLIDAY
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

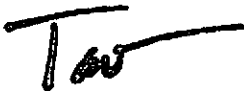
Kevin Ray Holmes appeals from an order of the district court denying a petition for a writ of mandamus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

Holmes claims the district court erred by denying his claim the Nevada Department of Corrections was improperly declining to apply statutory credits toward his minimum terms. The district court, in part, concluded Holmes improperly raised a claim challenging the computation of time served in a petition for a writ of mandamus, and denied the petition on this ground. Because a postconviction petition for a writ of habeas corpus is the only remedy for challenging the computation of time served, *see* NRS


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

34.724(2)(c), we conclude the district court did not err by denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. James Todd Russell, District Judge
Kevin Ray Holmes
Attorney General/Carson City
Carson City Clerk