

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTONIO MODALE CASTILLO,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.


No. 75621-COA

ANTONIO MODALE CASTILLO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75622-COA

FILED

APR 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Antonio Modale Castillo appeals from a district court order denying postconviction petitions for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

The petition in Docket No. 75621 was filed on July 27, 2017, in district court case no. A758985. The petition in Docket No. 75622 was filed on August 22, 2017, in district court case no. A760306. Both petitions raise similar claims, and the district court disposed of them in a single order.

Castillo claimed he is entitled to the application of statutory credits to his minimum and maximum sentences pursuant to NRS 209.4465(7)(b). The district court found Castillo's sentences were the result

¹These appeals have been submitted for decision without oral argument and we conclude the records are sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

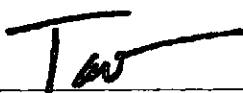
19-16694


of a conviction 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 193.168(3); NRS 200.481(2)(e); NRS 202.285(1)(b). Further, the record belies Castillo's claim that statutory credits are not being applied to his maximum sentence. We therefore conclude the district court did not err by denying this claim.

Castillo also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Castillo'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 Castillo committed his crimes, its application does not violate the Ex Post Facto Clause. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Antonio Modale Castillo
Attorney General/Las Vegas
Eighth District Court Clerk