

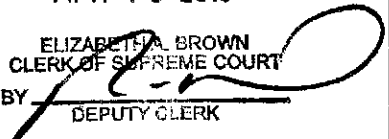
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARIYA MANOI,
Appellant,
vs.
THE STATE OF NEVADA; THE STATE
OF NEVADA DEPARTMENT OF
CORRECTIONS; AND JAMES
DZURENDA, DIRECTOR,
Respondents.

No. 75701-COA

FILED

APR 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ariya Manoi appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 15, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Manoi claimed the 2007 amendments to NRS 209.4465, effected through AB510, violate the Equal Protection Clause. This court has addressed a similar claim and found it to lack merit. *See Vickers v. Dzurenda*, 134 Nev. ___, ___, 433 P.3d 306, 308-10 (Ct. App. 2018).

Manoi next claimed AB510 violates the Ex Post Facto Clause. To the extent Manoi claimed AB510 was applied to him ex post facto, the law was enacted before Manoi committed his crime and so its application could not violate the Ex Post Facto Clause. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (stating a requirement for an Ex Post Facto Clause violation is that a statute apply to events occurring before it was enacted). To the

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).

extent Manoi claimed AB510 has been applied to others ex post facto, he was not an aggrieved party and thus lacked standing to raise that claim. *See Beury v. State*, 107 Nev. 363, 367, 812 P.2d 774, 776 (1991).


Manoi next challenged the methods employed by the Nevada Department of Corrections (NDOC) to project when an inmate is eligible for parole or has expired a term. Manoi failed to identify any specific errors in NDOC's calculations. He therefore failed to demonstrate he was entitled to relief. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding a petitioner is not entitled to an evidentiary hearing where his claims are unsupported by specific factual allegations that, if true, would have entitled him to relief).

Finally, to the extent Manoi claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b), his claim lacked merit. The district court found Manoi's controlling sentences were the result of convictions for category B and/or violent felonies and were thus precluded from the application of credits to their minimum terms by NRS 209.4465(8)(a), (d). These findings are supported by the record. *See* NRS 193.165(3); NRS 193.330(1)(a)(1); NRS 200.030(4), (5); NRS 200.481(1)(a).

For the foregoing reasons, we conclude the district court did not err by denying Manoi's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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