

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM FREDRICK O'KEEFE,  
Appellant,  
vs.  
ISIDRO BACA, WARDEN, N.N.C.C.;  
JAMES DZURENDA, NDOC; AND THE  
STATE OF NEVADA,  
Respondents.

No. 76187-COA

**FILED**

APR 16 2019

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

*ORDER OF AFFIRMANCE*

William Fredrick O'Keefe appeals from a district court order dismissing a postconviction petition for a writ of habeas corpus filed on March 28, 2018.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

O'Keefe's petition is largely incoherent. He appeared to claim 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 he was convicted of a felony that involved the use or threatened use of force or violence against a

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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).

victim,<sup>2</sup> and therefore he is not entitled to have good time credits applied to his parole eligibility date. See NRS 209.4465(8)(a).

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

Having concluded O'Keefe is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. James E. Wilson, District Judge  
William Fredrick O'Keefe  
Attorney General/Carson City  
Carson City Clerk

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<sup>2</sup>O'Keefe was convicted of felony domestic battery for a crime he committed on October 18, 2017. See NRS 33.018(1)(a); NRS 200.485(1)(c); NRS 200.481(1)(a).

<sup>3</sup>Although the successive procedural bar in NRS 34.810(2) does not apply under the facts in this case, we conclude the district court reached the right result by dismissing the petition. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).