


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DANIEL ANTHONY MORENO, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76478-COA

**FILED**

APR 29 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Daniel Anthony Moreno, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 21, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Moreno claimed 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). The district court denied Moreno's petition after finding he had been convicted of category B felonies, he committed his felonies after NRS 209.4465 was amended in 2007, and NRS 209.4465(8)(d) specifically excludes the application of statutory credits to the minimum sentences of category B felons. The district court's findings are supported by the record,<sup>2</sup> and we conclude the district court did not err by determining


---

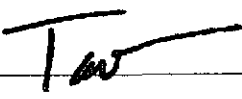
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).


<sup>2</sup>Moreno was convicted of three counts of robbery with the use of a deadly weapon, two counts of burglary while in possession of a firearm, two counts of felon in possession of a firearm, and one count of battery with the

Moreno was not entitled to the application of statutory credits to his minimum sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Daniel Anthony Moreno, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

intent to commit a crime for crimes he committed in 2013. See NRS 193.165(1); NRS 200.380(2); NRS 200.400(2); NRS 202.360(1); NRS 205.060(4).