

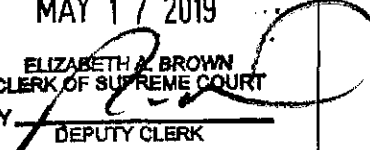
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARK ANTHONY AMES,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76726-COA

FILED

MAY 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Mark Anthony Ames appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his January 16, 2018, petition, Ames first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his parole eligibility date. The district court concluded Ames was serving concurrent terms for convictions of burglary while in possession of a deadly weapon, carrying a concealed firearm or other deadly weapon, battery with the use of a deadly weapon resulting in substantial bodily harm, and felon in possession of a firearm, and committed those offenses in 2014. The district court further found Ames' parole eligibility date was "based on the sentence which requires the longest period before [Ames] is eligible for parole," NRS 213.1213(1), and for that reason, Ames' parole eligibility date was controlled by his sentences for burglary while in possession of a firearm and battery with the use of a


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).


deadly weapon resulting in substantial bodily harm, as those sentences carried the longest minimum terms. See NRS 193.130(2)(c); NRS 200.481(2)(e)(2); NRS 202.350(2)(b); NRS 202.360(1); NRS 205.060(4). Accordingly, Ames was not entitled to relief because his controlling sentences were for category B felonies, committed after the effective date of NRS 209.4465(8), and for those reasons, Ames was not entitled to application of credits toward his minimum parole eligibility date. Given these circumstances, we conclude the district court did not err by denying this claim.

Second, Ames claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because Ames committed his crimes after NRS 209.4465(8) became effective in 2007, his claim was without merit. See *Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). Therefore, the district court did not err by denying the 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
Mark Anthony Ames
Attorney General/Las Vegas
Eighth District Court Clerk