

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERNANDO RAUL ROMERO,
Appellant,
vs.
JAMES DZURENDA, DIRECTOR,
Respondent.

No. 76151-COA

FILED

MAY 21 2019

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

ORDER OF AFFIRMANCE

Fernando Raul Romero appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on May 9, 2018.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

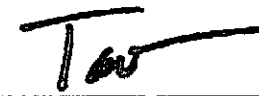
In his petition, Romero argued the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum terms. The district court found Romero was convicted of robbery of a person age 60 years or older, a category B felony, *see* NRS 200.380(2); NRS 193.167(1), committed in 2014, and, therefore, he was not entitled to have credits applied toward his minimum terms. The record supports the decision of the district court, *see* NRS 209.4465(8)(d), and we conclude the district court did not err by denying this claim.


To the extent Romero argued NDOC's decision to decline to apply his statutory credits toward his minimum terms was an ex post facto violation and an equal protection violation, these claims lacked merit. *See*

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).

Weaver v. Graham, 450 U.S. 24, 29 (1981); *Vickers v. Dzurenda*, 134 Nev. Adv. Op. 91 at *8-9, 433 P.3d 306, 310 (Ct. App. 2018). Accordingly, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Fernando Raul Romero
Attorney General/Carson City
Carson City Clerk