

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN JOSE MEDINA,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 77316-COA

FILED

JUN 13 2019

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

ORDER OF AFFIRMANCE

Juan Jose Medina appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 27, 2018.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Medina claimed he was entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Medina failed to allege specific facts that, if true, would have entitled him to relief. Medina claimed he was convicted of burglary while in possession of a firearm and battery with intent to kill with the use of a deadly weapon and that they were committed in October 2007. At the time Medina claimed he committed his crimes, NRS 209.4465(7) began, “[e]xcept as otherwise provided in subsection[] 8,” and NRS 209.4465(8)(d) specifically excluded the application of statutory credits to the minimum terms of sentences for category B felonies. *See* 2007 Nev. Stat., ch. 525, § 5, at 3176-77, § 22, at 3196. Medina’s alleged crimes were category B felonies. *See* NRS

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

193.165(3); NRS 200.400(3); NRS 205.060(4). Accordingly, Medina was not entitled to the application of credits to his minimum sentences. And because he committed his crimes after NRS 209.4465(8)'s enactment, he failed to demonstrate the application of that statute violated the Ex Post Facto Clause, *see Weaver v. Graham*, 450 U.S. 24, 29 (1981) (explaining an ex post facto statute applies retroactively), or the Eighth Amendment by causing him to stay in prison too long. We therefore conclude the district court did not err by denying these claims.² *See Hargrove v. State*, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

Next, Medina appeared to claim that whether or not credits applied to minimum terms based on when a crime was committed vis-à-vis the effective date of NRS 209.4465(8)(d) violates the Equal Protection Clause. This court has addressed a similar claim and found it to lack merit. *See Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91, **3-8, 433 P.3d 306, 308-10 (Ct. App. 2018). We therefore conclude the district court did not err by denying this claim.

Finally, Medina claimed the Nevada Department of Corrections' (NDOC) practice of denying as moot inmate requests to apply credits to minimum terms of expired sentences or where the inmate has already been to the parole board on that sentence is unconstitutional. He also claimed NDOC and the Nevada Attorney General are violating inmates' First Amendment rights to petition the courts by making inmates

²Medina's claim that he was entitled to relief pursuant to *Williams v. State Dep't of Corr.*, 133 Nev. 594, 402 P.3d 1260 (2017), lacked merit. *Williams* examined only the statutory scheme in effect in 2000. *See id.* at 595 n.1, 402 P.3d at 1261 n.1.

defend themselves against credit forfeitures when they file pleadings. Medina failed to demonstrate he had standing to raise these claims.

Where, as here, the Legislature has not provided a statutory right to seek relief, the Nevada Supreme Court has long required "an actual justiciable controversy as a predicate to judicial relief." *Stockmeier v. Nevada Dep't of Corr. Psychological Review Panel*, 122 Nev. 385, 393, 135 P.3d 220, 225 (2006) (quotation marks omitted), *abrogated on other grounds* by *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008). To demonstrate an actual controversy, a litigant must satisfy the "standing requirements of injury, causation, and redressability." *Id.* at 392, 135 P.3d 225. Medina did not claim NDOC denied him credits on mootness grounds, nor did he claim NDOC or the Attorney General caused him to defend himself against the forfeiture of credits. Medina failed to allege any injury and, thus, that he had standing. We therefore conclude the district court did not err by denying these claims.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Gibbons



_____, J.
Tao



_____, J.
Bulla

³The district court addressed these claims on their merits. We nevertheless affirm the district court's decision for the reasons stated above. *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).

cc: Hon. Jim C. Shirley, District Judge
Juan Jose Medina
Attorney General/Carson City
Pershing County Clerk