

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMY SANDERS,  
Appellant,  
vs.  
JO GENTRY, WARDEN; AND NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondents.

No. 77209-COA

**FILED**

JUL 16 2019

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

*ORDER OF AFFIRMANCE*

Jeremy Sanders appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his February 27, 2018, petition, Sanders first claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his parole eligibility date. The district court concluded Sanders was serving a term for a category B felony committed after the effective date of NRS 209.4465(8).<sup>2</sup> For that reason, the district court found NDOC had properly only applied Sanders' credits toward his

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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).


<sup>2</sup>The record demonstrated Sanders was serving a sentence for a conviction of attempted sexual assault and he committed the offense in 2012. See NRS 193.330(1)(a); NRS 200.366(2).


maximum term. Given this circumstance, we conclude the district court did not err by denying this claim.<sup>3</sup>

Second, Sanders claimed he was entitled to an additional five days of credit per month based on Assembly Bill 25, which went into effect on July 1, 2017, and was codified as NRS 209.4465(10). The district court found Sanders' claim lacked merit because this statute gives the governor discretion to allow an extra five days of credit per month to an offender's sentence; however, the governor has not exercised that discretion. Substantial evidence supports the district court's decision, *see* NRS 209.4465(10), and we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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<sup>3</sup>To the extent Sanders claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause, he was not entitled to relief because he committed his crime after NRS 209.4465(8) became effective in 2007. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981).

Sanders also appeared to claim that failure to apply credits to all inmates in a uniform manner 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). Accordingly, Sanders was not entitled to relief.

cc: Hon. Linda Marie Bell, Chief Judge  
Jeremy Sanders  
Attorney General/Las Vegas  
Eighth District Court Clerk