

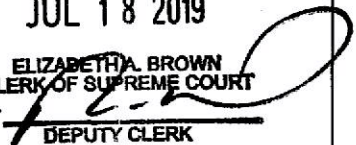
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELMER ORLANDO TORRES,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76927-COA

FILED

JUL 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Elmer Orlando Torres appeals from a district court order denying the postconviction petition for a writ of habeas corpus that was filed on January 3, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Torres argued the Nevada Department of Corrections is improperly denying him the deduction of statutory credit from his minimum sentence. The district court denied this claim, concluding that because Torres was convicted of stop required on signal of a police officer, a category B felony, for a crime committed in 2017, NRS 209.4465(8)(d) precluded application of credit to his minimum sentence. The record supports the district court's conclusion, and we conclude the district court did not err by denying this claim.


Torres also argued applying NRS 209.4465 to deny him the application of credits to his minimum sentence violates the ex post facto clause. The district court denied this claim, concluding that, because Torres

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).

committed his offense after the effective date of the statute, there was no ex post facto violation. The record supports the district court's conclusion. See *Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). Therefore, we affirm the denial of this claim.

Having concluded Torres is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Elmer Orlando Torres
Attorney General/Las Vegas
Eighth District Court Clerk