

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANCIS ARAUJO,
Appellant,

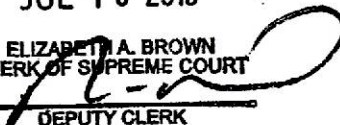
vs.

JO GENTRY, WARDEN; SOUTHERN
DESERT CORRECTIONAL CENTER;
AND THE STATE OF NEVADA,
Respondents.

No. 77356-COA

FILED

JUL 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Francis Araujo appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 21, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Araujo claimed the Nevada Department of Corrections (NDOC) was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465(7)(b) and the Nevada Supreme Court's decision in *Williams v. State Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017). The record demonstrates he is currently serving concurrent prison sentences for category B felonies he committed after NRS 209.4465(8) became effective on July 1, 2007.² See 2007 Nev. Stat., ch. 525,

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).

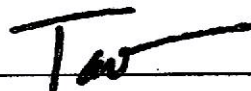
²Araujo was convicted of two counts of ownership or possession of a firearm by a prohibited person for crimes he committed in 2015. See NRS 202.360(1).

§ 22, at 3196. Consequently, he is not entitled to have statutory credits applied to his minimum sentence. See NRS 209.4465(8)(d).

Araujo also claimed NDOC's failure to apply the statutory credits he has earned to his minimum sentence violates his right to equal protection of the law. This claim is without merit because "the disparate application of statutory credits to parole eligibility based on when an offender committed an offense is rationally related to a legitimate governmental interest and thus does not offend the Equal Protection Clauses of the United States and Nevada Constitutions." *Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91 *8-9, 433 P.3d 306, 310 (Ct. App. 2018).

Having concluded Araujo is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

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

³We note Araujo's presentence credits claim was a challenge to the validity of the judgment of conviction, see *Griffin v. State*, 122 Nev. 737, 744, 137 P.3d 1165, 1169 (2006), and such claims may not be raised in a petition challenging the computation of time served, NRS 34.738(3).