

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RENE Z. JIMENEZ,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 77313-COA

**FILED**

JUL 30 2019

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

*ORDER OF AFFIRMANCE*

Rene Z. Jimenez appeals from a district court order denying his postconviction petition for a writ of habeas corpus filed on September 25, 2018.<sup>1</sup> Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Jimenez claims the district court erred by failing to address the merits of the claims he raised in his postconviction petition challenging the computation of time served. This claim is belied by the record. The district court order reaches the merits of all claims Jimenez raised in his petition. Therefore, we conclude no relief is warranted.

Jimenez also claims the district court erred by denying his equal protection claim. Jimenez argues his equal protection rights are being violated because he is being denied the application of credit to his minimum term, but other inmates convicted under the same statute can receive credit toward their minimum term. However, "any disparate treatment resulting from the date a crime was committed does not" violate the Equal Protection Clause. *Vickers v. Dzurenda*, 134 Nev., Adv. Op. 91

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


\*8-9, 433 P.3d 306, 310 (Ct. App. 2018). Therefore, we conclude the district court did not err by denying this claim.

To the extent Jimenez claims the district court erred by finding he was not entitled to have credit applied to his minimum term, we conclude the district court did not err. NRS 209.4465(8)(d) precludes the application of credit to the minimum term for offenders convicted of a category A felony. And Jimenez acknowledges he was convicted of first-degree murder, a category A felony, for an offense committed after the effective date of NRS 209.4465(8)(d).

Finally, to the extent Jimenez claims the district court erred by finding NRS 209.4465(7)(b) and NRS 209.4465(8) do not conflict, we conclude the district court did not err. These subsections of the statute do not conflict because subsection 7(b) sets forth a general rule about the application of credit to the minimum term of a sentence and subsection 8 provides exceptions to that general rule. See NRS 209.4465(7)(b) (“*Except as otherwise provided in subsection[ ] 8 . . .*” (emphasis added)); *Williams v. Nev. Dep’t of Corr.*, 133 Nev. 594, 599-600 n.6, 402 P.3d 1260, 1264 n.6 (2017) (noting NRS 209.4465(8)’s limitation on NRS 209.4465(7)(b) for certain offenses committed after the effective date of the 2007 amendments).

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

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

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

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

cc: Hon. Jim C. Shirley, District Judge  
Rene Z. Jimenez  
Attorney General/Carson City  
Pershing County Clerk