

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DUJUAN DON LOOPER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77330-COA

FILED

JUL 30 2019

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

ORDER OF AFFIRMANCE

Dujuan Don Looper appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 29, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

First, Looper appears to claim the district court erred in its interpretation of NRS 209.4465. We have reviewed the statute and conclude the district court correctly determined Looper was not entitled to have credits deducted from his minimum sentences because he committed his crimes after NRS 209.4465 was amended in 2007 and the 2007 amendments specifically exclude offenders convicted of category B felonies or felonies that involve the use or threatened use of force or violence against the victim from receiving credit toward their minimum sentence.² See 2007

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

²Looper was convicted of attempted sexual assault of a minor under fourteen years of age, battery constituting domestic violence

Nev. Stat., ch. 525, § 5, at 3177; NRS 209.4465(8)(a) & (d); *see generally Robert E. v. Justice Court of Reno Twp.*, 99 Nev. 443, 445, 664 P.2d 957, 959 (1983) (“When presented with a question of statutory interpretation, the intent of the legislature is the controlling factor and, if the statute under consideration is clear on its face, a court can not go beyond the statute in determining legislative intent.”).

Second, Looper claims application of NRS 209.4465(8) violates the Ex Post Facto Clause. However, because he committed his crimes after NRS 209.4465(8) became effective in 2007, his claim is without merit. *See* 2007 Nev. Stat., ch. 525, § 22, at 3196; *Weaver v. Graham*, 450 U.S. 24, 28 (1981) (explaining that an ex post facto violation occurs when the legislature enacts a law “which imposes a punishment for an act which was not punishable at the time it was committed; or imposes additional punishment to that then prescribed” (quotation marks omitted)).

Third, Looper claims his right to equal protection of the law has been violated because he “is a member of a protected class, a racial-minority African-American who is . . . denied jobs, education and other programs available to all white prisoners throughout the NDOC, which allow the white prisoners to obtain additional statutory deductions from their sentences.” However, this claim constitutes a challenge to the conditions of confinement, and therefore it is not cognizable in a petition for a writ of

(strangulation), and possession of a visual presentation depicting the sexual conduct of a child for crimes he committed in 2012. *See* NRS 193.330(1)(a)(1); NRS 200.366(2); NRS 200.485(2); NRS 200.730(1).

habeas corpus. See *Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984).

For the foregoing reasons, we conclude Looper is not entitled to relief, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Dajuan Don Looper
Attorney General/Las Vegas
Eighth District Court Clerk