

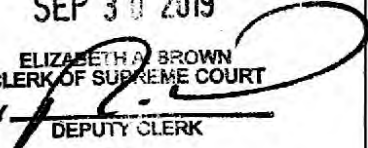
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PETER PRICE,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 77603-COA

FILED

SEP 30 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Peter Price appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on April 6, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


In his petition, Price claimed the Nevada Department of Corrections (NDOC) was improperly declining to apply his statutory credits toward his minimum term. A person convicted of an A or B felony or of a felony that involves the use or threat of violence for an offense committed after June 30, 2007, is not entitled to have credits applied to his or her minimum term for that offense. *See* NRS 209.4465(8)(a), (d). The district court found Price had been convicted of attempted robbery, a crime of violence and a category B felony, *see* NRS 200.380(2); NRS 193.330(1)(a)(2), that he committed in 2017, and therefore, he was not entitled to have his statutory credits applied to his minimum term. Substantial evidence supports the district court's finding. Accordingly, we conclude the district court did not err by denying this claim.

Price also claimed NDOC's failure to apply his statutory credits toward his minimum term was an ex post facto violation. The district court

found there was no ex post facto violation because Price committed his offense after the effective date of the amendments to NRS 209.4465. Substantial evidence supports the decision of the district court, *see Weaver v. Graham*, 450 U.S. 24, 29 (1981), 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

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