

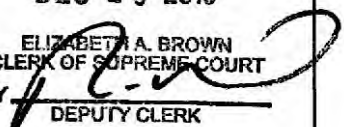
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRENDON OCHOA,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 78286-COA

**FILED**

DEC 20 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Brendon Ochoa appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on February 27, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


In his petition, Ochoa asserted the Nevada Department of Corrections was violating NRS 209.4465 by not applying his earned statutory credits to his minimum sentence for his conviction for obtaining money under false pretenses. The district court found that Ochoa committed obtaining money under false pretenses, a category B felony, *see* NRS 205.380(1)(a), in 2015, after the effective date of NRS 209.4465(8)(d). The district court therefore concluded that NRS 209.4465(8)(d) prohibited the application of credits to Ochoa's sentence for obtaining money under false pretenses. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Ochoa also claimed below that the failure to apply credits to his minimum term constitutes an ex post facto violation. The district court, however, concluded that because Ochoa committed his offense after the effective date of NRS 209.4465(8)(d) there was no ex post facto violation.

*See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (explaining an ex post facto statute applies retroactively). 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  
Brendon Ochoa  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk