

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EVERETT HUNTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78362-COA

FILED

DEC 27 2019

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

ORDER OF AFFIRMANCE

Everett Hunter appeals from a district court order denying his postconviction petition for a writ of habeas corpus that was filed on November 6, 2018.¹ First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition, Hunter claimed he is being improperly denied the application of credit to his minimum sentence. He asserted that, because he was not convicted of a crime that requires him to serve a mandatory minimum sentence before being eligible for parole, NRS 209.4465(7)(b) does not prohibit application of credit to his minimum sentence. The district court determined that NRS 209.4465(7) only permits credit to be applied if the application of credit is not otherwise prohibited by NRS 209.4465(8). The district court found that Hunter is currently serving concurrent sentences for his convictions for burglary, category B felonies, *see* NRS 206.060(2), which he committed in March 2015, after the effective date of NRS 209.4465(8). Therefore, the district court concluded NRS

¹The petition was filed in the Second Judicial District Court on November 6, 2018, and properly transferred to the First Judicial District Court on February 6, 2019. *See* NRS 34.738(2).

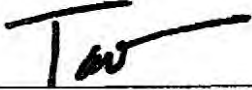
209.4465(8)(d) prohibited the application of credit to the minimum term of Hunter's sentences and denied this claim. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Hunter also claimed below that the failure to apply credit to his minimum term constitutes an ex post facto violation. The district court, however, concluded that because Hunter committed his offenses after the effective date of NRS 209.4465(8) there was no ex post facto violation. See *Weaver v. Graham*, 450 U.S. 24, 29 (1981). We conclude the district court did not err by denying this claim.

We conclude the district court did not err by denying Hunter's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Everett Hunter
Attorney General/Carson City
Carson City Clerk