

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TRENT HENRICKSON,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN,
Respondent.

No. 78879-COA

FILED

JAN 30 2020

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

ORDER OF AFFIRMANCE

Trent Henrickson appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 29, 2019. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

In his petition below, Henrickson argued the Nevada Department of Corrections is violating NRS 209.4465(7) by failing to apply credit to his minimum term. The district court found that Henrickson was convicted of a category B felony that was committed after July 1, 2007. The district court concluded NRS 209.4465(8) prohibited the application of credit to Henrickson's minimum term and denied the petition.

On appeal, Henrickson acknowledges that he is not eligible to have credit applied to his minimum term under NRS 209.4465(8), but he asserts that he is not subject to that statute. Henrickson asserts he is entitled to have credit applied to his minimum term under NRS 209.4465(7) because NRS 209.4465(7)(b) does not preclude application of credit to his minimum term. He argues the district court erred by not focusing on his arguments that he is entitled to have credit applied to his minimum term under NRS 209.4465(7), the statutes are in conflict, and using NRS

209.4465(8) to prohibit the application of credit to his minimum term constitutes an ex post facto violation.

Contrary to Henrickson's assertions, there is no conflict between the statutes and he is not entitled to have credit applied to his minimum term under NRS 209.4465(7). NRS 209.4465(7) begins, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) specifically excludes the application of statutory credit to the minimum terms of sentences for category B felonies. Henrickson admits he was convicted of category B felonies and he does not argue the district court erred by finding the felonies were committed after July 1, 2007, the effective date of NRS 209.4465(8).¹ Therefore, Henrickson is not entitled to have credit applied to his minimum term. Further, because Henrickson committed his offenses after the effective date of NRS 209.4465(8), application of this statute to him does not constitute an ex post facto violation. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981) (a requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before the statute was enacted). Accordingly, we conclude the district court did not err by denying Henrickson's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹The record before this court does not include a copy of Henrickson's judgments of conviction or the charging documents.

cc: Hon. Steve L. Dobrescu, District Judge
Trent Henrickson
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk