

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEWEY DAVIS,  
Appellant,  
vs.  
JERRY HOWELL, WARDEN,  
Respondent.

No. 78490-COA

**FILED**

**JAN 30 2020**

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

*ORDER OF AFFIRMANCE*

Dewey Davis appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 16, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

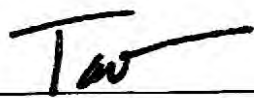
In his petition below, Davis claimed the Nevada Department of Corrections was improperly denying him the application of earned statutory credit to his minimum sentence. The district court found that Davis was convicted of one count of conspiracy to commit robbery, three counts of robbery with the use of a deadly weapon, and one count of attempted robbery, all category B felonies, *see* NRS 193.330(1)(a)(2); NRS 199.480(1); NRS 200.380(2), for acts he committed in 2010. The district court further found he is currently serving an aggregate term of 120 to 360 months for those convictions. And the district court concluded NRS 209.4465(8)(d) prohibited the application earned statutory credit to Davis' minimum sentence. The record supports the district court's findings and we conclude the district court did not err by denying this claim.

Davis also argued that he was entitled to have credit applied to his minimum sentence pursuant to the decision in *Williams v. State*,

*Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017), and the denial of such credit violates his right to equal protection because he is similarly situated to Williams. The district court denied this claim because the Nevada Supreme Court ruled that the *Williams* decision does not affect crimes committed after July 1, 2007, and Davis committed his crime in 2010. *See id.*, at 600 n.7, 402 P.3d at 1265 n.7. We conclude the district court did not err by denying this claim. *See Vickers v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-10 (Ct. App. 2018) (rejecting similar 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  
Dewey Davis  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk