

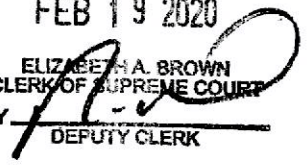
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ESIDRO SOLIS ANDRADE,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 78906-COA

FILED

FEB 19 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Esidro Solis Andrade appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 11, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

In his petition, Andrade claimed the Nevada Department of Corrections (NDOC) was improperly denying the application of earned statutory credit to his minimum sentence. The district court found that Andrade was convicted of one count of trafficking in a controlled substance, a category B felony, *see* 1999 Nev. Stat., ch. 517, § 6, at 2639-40, for acts he committed in 2015. Therefore, the district court concluded NRS 209.4465(8)(d) prohibited the application of earned statutory credit to Andrade's minimum sentence. The record supports the district court's findings and we conclude the district court did not err by denying this claim.

Andrade 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 Andrade committed his crime in 2015. *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).


Andrade further argued the application of NRS 209.4465(8) violated the Ex Post Facto Clause. The district court found Andrade's claim lacked merit because a requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Andrade committed his crimes, its application did not violate the Ex Post Facto Clause. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Finally, to the extent Andrade also argued that NDOC is not properly applying the statutory credits he has earned to his maximum sentence, the district court found the record demonstrates NDOC has awarded Andrade with the correct amount of good time credits for every

month he has been incarcerated and those credits have been applied to Andrade's maximum term. The record supports the district court's findings, 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. Tierra Danielle Jones, District Judge
Esidro Solis Andrade
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk