

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON BARFIELD,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 78599-COA

FILED

MAR 20 2020

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

ORDER OF AFFIRMANCE

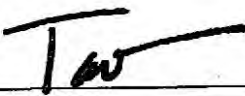
Jason Barfield appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 29, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition, Barfield claimed he is being improperly denied the application of statutory credit to his minimum sentence. The district court found that Barfield was convicted of ownership or possession of a firearm by a prohibited person, a category B felony, *see* NRS 202.360(1), and possession of a controlled substance with intent to sell, a category D felony, *see* NRS 453.337(2)(a), for acts committed in 2018. The district court also found Barfield was sentenced to serve an aggregate sentence of 36 to 102 months. The district court concluded NRS 209.4465(8)(d) prohibits the application of statutory credit to the minimum sentence for Barfield's category B felony. The district court further concluded that Barfield will be entitled to have statutory credit applied to his minimum sentence for his category D felony; however, Barfield had not yet started serving that portion of his aggregate sentence. The record supports the district court's findings and we conclude the district court did not err by denying this claim.

Barfield also claimed the failure to apply statutory credit to his minimum term based on an application of NRS 209.4465(8) constitutes an ex post facto violation. The district court determined there was no ex post facto violation because Barfield committed his offense well after the effective date of NRS 209.4465(8). See *Weaver v. Graham*, 450 U.S. 24, 29 (1981). 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
Jason Barfield
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk