

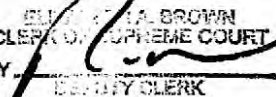
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER HARRY GOODING,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 79300-COA

FILED

MAY 30 2020

ELLEN A. BROWN
CLERK OF SUPREME COURT
BY 
CLERK

ORDER OF AFFIRMANCE

Christopher Harry Gooding appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on July 26, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his petition below, Gooding argued the Nevada Department of Corrections (NDOC) is improperly applying NRS 209.4465(8) to deny him the application of statutory credit to his minimum term. He asserted that he is entitled to have statutory credit applied to his minimum term because nothing in NRS 209.4465(6) or (7) precludes the application of credit to his minimum term. He also claimed the failure to apply statutory credit to his minimum term constitutes an ex post facto violation.

The district court found that Gooding was convicted of, and serving sentences for, assault with a deadly weapon and burglary while in possession of a deadly weapon, both category B felonies. See NRS 200.471(2)(b), NRS 205.060(4). The district court also found he committed his offenses in 2018, after the effective date of NRS 209.4465(8). The district court determined that NRS 209.4465(8)(a) and (d) prohibit NDOC from applying Gooding's statutory credit to his minimum term. The district court

further determined that Gooding's reliance on NRS 209.4465(7) was erroneous because he was convicted after the effective date of NRS 209.4465(8). And, for this same reason, the district court determined that applying NRS 209.4465(8) to Gooding does not constitute an ex post facto violation. *See Weaver v. Graham*, 450 U.S. 24, 29 (1981). The record supports the district court's findings, and we conclude the district court did not err by denying these claims. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Christopher Harry Gooding
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk