IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIDGET LYNN PASCUA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78515-COA

FILED

APR 27 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Bridget Lynn Pascua appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 5, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Pascua first claimed she is entitled to the retroactive application of the 2007 amendments to NRS 193.165. Those amendments are not retroactive. *State v. Second Judicial Dist. Court*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008). We therefore conclude the district court did not err by denying this claim.

Pascua also claimed she is entitled to the application of statutory credits to her minimum sentences pursuant to NRS 209.4465(7)(b). Pascua was convicted for a 2001 robbery, first-degree kidnapping, and first-degree murder, all committed with the use of a deadly weapon. At that time, NRS 209.4465(7)(b) provided for the application of credits to minimum sentences "unless the offender was sentenced pursuant

to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole." Both of Pascua's controlling sentences specified a minimum sentence she had to serve before becoming eligible for parole. *See* NRS 200.030(4)(b)(2) (providing for a life sentence "with eligibility for parole beginning when a minimum of 20 years has been served"); NRS 200.320(2)(a) (providing for a life sentence "with eligibility for parole beginning when a minimum of 5 years has been served."); *see also* 1995 Nev. Stat., ch. 455, § 1, at 1431 (providing for an equal and consecutive term of imprisonment when a crime is committed with the use of a deadly weapon that is "an additional penalty for the primary offense"). Pascua was thus not entitled to the application of credits to her minimum sentences, and we conclude the district court did not err by denying this claim.

In her informal brief on appeal, Pascua argues she was denied the opportunity to timely reply to the State's response to her petition. She also reasserts claims she first raised in her untimely reply. The State did not move to dismiss Pascua's petition, so she had no right to file a reply, nor did she seek the district court's permission to file one. *See* NRS 34.750(4), (5). The district court was thus not required to allow Pascua an opportunity to reply and did not err by not considering her untimely reply. Moreover, we decline to consider arguments raised in Pascua's informal brief on appeal

that were not raised in her petition below. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).[1] Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Bridget Lynn Pascua
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

[1]We nevertheless note that "the language in the judgment of conviction is not relevant in determining whether the limiting language in NRS 209.4465(7)(b) applies." *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 595 n.1, 402 P.3d 1260, 1261 n.1 (2017).