

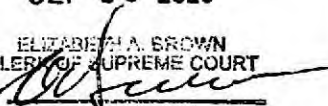
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON PAUL EARWICKER,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 80594-COA

FILED

SEP 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jason Paul Earwicker appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 2, 2018. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

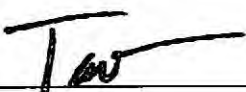
Earwicker claimed the Nevada Department of Corrections (NDOC) is not applying credit to his minimum aggregated sentence. The district court found that his minimum aggregated sentence was five years and six months, the start date for the aggregated sentence was in March 2018, Earwicker will be eligible for parole less than three years later in January 2021, and accordingly, NDOC is applying credit to Earwicker's minimum aggregated sentence. These facts are supported by the record on appeal. We therefore conclude the district court did not err by denying this claim.

Earwicker also claimed the application of NRS 209.4465(8) to his sentence violates the Ex Post Facto Clause. A requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Earwicker committed his crime, its

application does not violate the Ex Post Facto Clause. We therefore 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. Joseph Hardy, Jr., District Judge
Jason Paul Earwicker
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk