

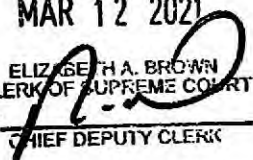
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MOISES FERNANDEZ,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 81609-COA

FILED

MAR 12 2021

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

ORDER OF AFFIRMANCE

Moises Fernandez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 2, 2019. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Fernandez claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Fernandez was convicted of crimes committed on or between July 1, 2005, and January 3, 2007. The district court further found Fernandez was sentenced pursuant to a statute that provided for eligibility for parole beginning when a minimum of 10 years has been served. These findings are supported by the record before this court. *See* 2005 Nev. Stat., ch. 507, § 33, at 2877. Because Fernandez was “sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole,” 2003 Nev. Stat., ch. 259, § 13, at 1368, ch. 426, § 9, at 2578, he was not entitled to the application of statutory credits to his minimum sentence. *See Williams v. State Dep’t of Corr.*, 133 Nev. 594, 597-99, 402 P.3d 1260, 1263-64 (2017).

Fernandez also claimed the application of the 2007 amendments to NRS 209.4465 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 and to the offender's detriment. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Fernandez's bare claim did not specify how the 2007 amendments were applied to him or how they worked to his detriment. We therefore conclude the district court did not err by denying this claim. *Cf. Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984) (holding claims must be supported by specific factual allegations that are not belied by the record and, if true, would entitle the petitioner to relief).

For the foregoing reasons, we conclude the district court did not err by denying Fernandez's petition, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Moises Fernandez
Attorney General/Carson City
Clerk of the Court/Court Administrator