

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUAN OCANA-GONZALEZ,
Appellant,
vs.
RENEE BAKER, WARDEN,
Respondent.

No. 81670-COA

FILED

MAR 19 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Juan Ocana-Gonzalez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 2, 2018. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Ocana-Gonzalez 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 Ocana-Gonzalez's sentences were the result of convictions for category A and B sexual felonies¹ committed on or between January 1, 2008, and January 31, 2009. These findings are supported by the record. See NRS 193.330(1)(a)(1); NRS 193.165(3); NRS 200.366(2), (3); NRS 201.230(2). Because Ocana-Gonzalez was convicted of category A and B sexual felonies committed after the effective date of NRS 209.4465(8)(b) and (d), see 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his minimum sentences. We therefore conclude the district court did not err by denying this claim.

¹Ocana-Gonzalez was convicted of lewdness with a victim under 14 years of age, sexual assault, and attempted sexual assault of a victim under 14 years of age with the use of a deadly weapon.

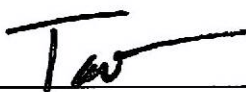
Ocana-Gonzalez also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. A requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Ocana-Gonzalez committed his crimes, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying this claim.

Ocana-Gonzalez also claimed that the application of NRS 209.4465(8) violated the Equal Protection Clause. This court has addressed a similar claim and found it to lack merit. *See Vickers v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-10 (Ct. App. 2018). We therefore conclude the district court did not err by denying this claim.

Finally, to the extent Ocana-Gonzalez claimed the application of NRS 209.4465(8) violates the Due Process Clause, we conclude he is not entitled to relief because Nevada's parole scheme "creates no protectable liberty interest sufficient to invoke the Due Process Clause." *Anselmo v. Bisbee*, 133 Nev. 317, 320, 396 P.3d 848, 850-51 (2017) (internal quotation marks omitted). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
Juan Ocana-Gonzalez
Attorney General/Carson City
Clerk of the Court/Court Administrator