

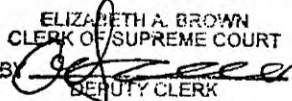
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL RAY KNIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85969-COA

FILED

OCT 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Ray Knight appeals from an order of the district court dismissing a “petition for writ of habeas corpus (not a postconviction writ)” filed on July 14, 2022. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

In his petition, Knight sought relief pursuant to NRS 34.360 and NRS 34.500(2) and claimed that changes to the habitual criminal statute warranted his discharge from prison. Knight’s claim was not cognizable in a petition for a writ of habeas corpus because Knight was lawfully confined pursuant to a valid judgment of conviction. *See* NRS 34.360.

And because the Legislature gave no indication in the text of NRS 207.010 that it intended to apply the amended statute retroactively to persons in Knight’s situation, *see* 2019 Nev. Stat., ch. 633, § 86, at 4441-42, no event has transpired that entitles Knight to discharge, *see* NRS 34.500(2); *State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008) (providing that the proper penalty is the one in effect at the time of the commission of the offense unless the Legislature “clearly expresses its intent to apply a law retroactively”). Therefore, we

conclude the district court did not err by dismissing Knight's petition.
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Connie J. Steinheimer, District Judge
Michael Ray Knight
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk