

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRUCE TIMOTHY SHELTON,
Appellant,
vs.
ISIDRO BACA, WARDEN,
Respondent.

No. 73716

FILED

JUN 13 2018

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

ORDER OF AFFIRMANCE

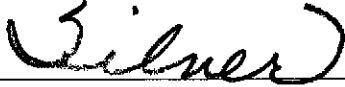
Bruce Timothy Shelton appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus challenging the computation of time served, filed on June 22, 2017.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.


In his petition below, Shelton claimed the Nevada Department of Corrections (NDOC) is not applying statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Shelton's claim lacked merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[] 8," and NRS 209.4465(8)(d) specifically excludes offenders convicted of category B felonies from applying statutory credits to their minimum sentences. Shelton's controlling sentences were for category B felonies, see NRS 205.060(2); NRS 205.222(3), for offenses committed after NRS 209.4465(8)'s effective date. Shelton is therefore not entitled to the application of credits to his minimum sentences.

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Shelton also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Shelton's claim lacked merit. 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). As NRS 209.4465(8) was enacted nearly five years before Shelton's crimes, its application does not violate the Ex Post Facto Clause.

Having concluded Shelton's claims lacked merit, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. James Todd Russell, District Judge
Bruce Timothy Shelton
Attorney General/Carson City
Carson City Clerk