IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVIN FINN,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 75244

FILED

OCT 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY_____
DEPUTY CLERK

ORDER OF AFFIRMANCE

Devin Finn appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on January 27, 2017.[1] Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Finn claimed he was entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Finn's claim lacked merit. NRS 209.4465(7) begins, "[e]xcept 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. Finn was convicted of category B felonies committed after NRS 209.4465(8)'s effective date. See NRS 200.380(2); NRS 205.060(4). Accordingly, Finn is not entitled to the application of credits to his minimum sentences.

Finn also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Finn's claim lacked merit. A requirement for an

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[1]This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).
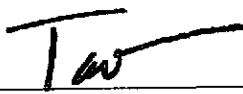
18-902541

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 years before Finn committed his crimes, its application does not violate the Ex Post Facto Clause.

Finally, we decline to consider Finn's arguments, raised on appeal in the first instance, that he is being denied equal protection of the laws. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Silver

_____, J.
Tao

_____, J.
Gibbons

cc:　Hon. Linda Marie Bell, Chief Judge
Devin Finn
Attorney General/Carson City
Eighth District Court Clerk