

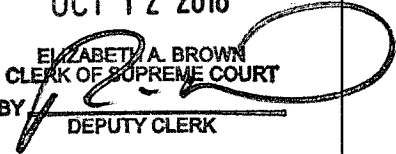
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENTRELL D. WELCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74445

FILED

OCT 12 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Kentrell D. Welch appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his December 22, 2016, petition, Welch asserted the Nevada Department of Corrections (NDOC) had improperly calculated his credit for time served. The district court found that Welch asserted he was entitled to the application of credit toward his minimum terms pursuant to NRS 209.4465(7)(b). This claim lacked merit. NRS 209.4465(7)(b) begins, “Except as otherwise provided in subsection[] 8” and NRS 209.4465(8)(d) specifically excludes offenders convicted of category A and B felonies from applying credits to their minimum sentences. The record demonstrated Welch was serving terms for category A and B felonies committed after the effective date for NRS 209.4465(8).² The district court further found that

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

²The district court found Welch was convicted of second-degree murder with the use of a deadly weapon and attempted murder. See NRS 193.330(1)(a)(1); NRS 200.030(4), (5).

Welch failed to demonstrate the NDOC had incorrectly calculated good-time credits based upon separate terms rather than as one aggregated sentence. Given the record before this court, we conclude Welch failed to demonstrate he was entitled to relief.

To the extent Welch also claimed failure to apply statutory credits toward his minimum terms is an ex post facto application of NRS 209.4465(8), Welch did not commit his crimes before the effective date of NRS 209.4465. *See* 1997 Nev. Stat., ch. 641, § 4, at 3175. Therefore, we conclude Welch was not entitled to relief. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

 _____, C.J.

Silver

 _____, J.

Tao

 _____, J.

Gibbons

³A review of the petition also reveals the district court correctly concluded Welch improperly challenged both the validity of his judgment of conviction and the computation of time served in the same petition. *See* NRS 34.738(3). Accordingly, the district court did not err by transferring the portion of the petition challenging Welch's judgment of conviction to Welch's criminal case for resolution. To the extent Welch raises claims challenging his judgment of conviction on appeal, the district court did not consider those claims in this matter, and we decline to consider such claims in this appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

cc: Hon. Linda Marie Bell, Chief Judge
Kentrell Dumurie Welch
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Eighth District Court Clerk