

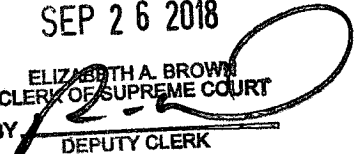
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDWARD EARL WALKER, JR.,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 74406

FILED

SEP 26 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Edward Earl Walker, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

In his September 20, 2016, petition, Walker claimed the Nevada Department of Corrections improperly declined to apply statutory credits to his minimum term pursuant to NRS 209.4465(7)(b). Walker's 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 Walker was serving a term for a category A felony committed after the effective date for NRS 209.4465(8).<sup>2</sup> Accordingly, Walker was not entitled to the application of credits to his minimum term, and the district court properly denied the petition.

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

<sup>2</sup>The district court found Walker was serving a prison term for his conviction of second-degree murder. See NRS 200.030(5)(a).


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Walker also argues that failure to apply statutory credits to his minimum term violated his equal protection rights and the Ex Post Facto Clause. Walker did not raise these issues before the district court and we decline to consider them in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge  
Edward Earl Walker, Jr.  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk