

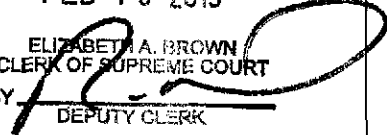
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TREYVON G. RANDOLPH,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 75893-COA

**FILED**

FEB 13 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Treyvon G. Randolph appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 1, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Randolph claimed he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465(7)(b). The district court found Randolph's sentence was the result of a conviction for a category B felony committed after the effective date of NRS 209.4465(8)(d), which precludes the application of credits to minimum terms of sentences for such felonies. These findings are supported by the record. See NRS 205.060(2). We therefore conclude the district court did not err by denying this claim.

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

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

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). Because NRS 209.4465(8) was enacted before Randolph committed his crime, its application does not violate the Ex Post Facto Clause.

Finally, Randolph argues on appeal that insufficient evidence supported his conviction and requests a reduction in his sentence and felony category. As these claims were not raised below, we decline to consider them on appeal in the first instance. *See Rimer v. State*, 131 Nev. 307, 328 n.3, 351 P.3d 697, 713 n.3 (2015). Randolph also contends the State's answer below failed to comply with NRS 34.760(1). To the extent the State's footnote explaining this omission was insufficient, it was harmless because Randolph fails to demonstrate the omission adversely affected the outcome of the proceedings or his ability to seek full appellate review. *See* NRS 178.598. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, A.C.J.  
Douglas

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Treyvon G. Randolph  
Attorney General/Las Vegas  
Eighth District Court Clerk