

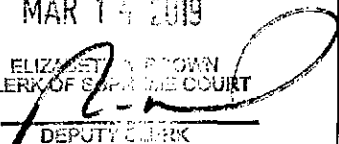
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON COLBERT,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 75844-COA

FILED

MAR 14 2019

ELIZABETH BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Brandon Colbert appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 1, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

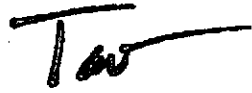
In his petition, Colbert claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits to the minimum term of his sentence. The district court concluded Colbert was not entitled to relief because he is currently serving a prison sentence for battery constituting domestic violence, a crime involving the use of force or violence, *see* NRS 200.485(1)(c), committed this offense in 2017, and for those reasons, NDOC may only apply Colbert's credits toward his maximum term pursuant to NRS 209.4465(8)(a). Given these circumstances, we conclude the district court did not err by denying this claim.

Colbert also claimed the failure of NDOC to apply his credit toward his minimum term violated the Ex Post Facto clause. We conclude

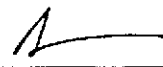
¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

Colbert failed to demonstrate a violation because NRS 209.4465(7)(b) and NRS 209.4465(8) were in effect at the time he committed his crime and, therefore, were properly applied to him. *See Weaver v. Graham*, 450 U.S. 24, 28-29 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Brandon Colbert
Attorney General/Las Vegas
Eighth District Court Clerk