

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DOROTEO FLORES,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 76140-COA

FILED

MAR 14 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Doroteo Flores appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 27, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Flores 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 Flores' 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 484C.430(1). We therefore conclude the district court did not err by denying this claim.


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

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


209.4465(8) was enacted before Flores committed his crime. See *Weaver v. Graham*, 450 U.S. 24, 29 (1981).

On appeal, Flores challenges the validity of NRS 209.4465(8), claiming it conflicts with the rest of the statute. Flores did not raise this argument in the district court below, and we decline to consider it on appeal 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.


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

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