

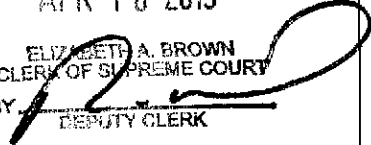
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

OWEN C. HUNNEL, JR., A/K/A OWEN  
C. HUNNELL, JR.,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 75972-COA

**FILED**

APR 18 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Owen C. Hunnel, Jr., appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 11, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Hunnel 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 Hunnel'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 200.280. We therefore conclude the district court did not err by denying this claim.

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

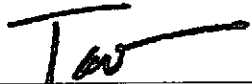
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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

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 Hunnel committed his crime, its application does not violate the Ex Post Facto Clause. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Linda Marie Bell, Chief Judge  
Owen C. Hunnel, Jr.  
Attorney General/Carson City  
Eighth District Court Clerk