

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RONALD HERBERT SHEFFEY,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN,
Respondent.

No. 77174-COA

FILED

JUN 19 2019

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

ORDER OF AFFIRMANCE


Ronald Herbert Sheffey appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on February 7, 2018.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

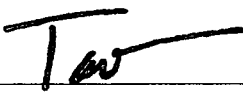
In his petition, Sheffey claimed the Nevada Department of Corrections (NDOC) improperly declined to apply his statutory credits toward his minimum terms. The district court found Sheffey had been convicted of two counts of trafficking in a controlled substance, category A and B felonies, *see* NRS 453.3385(1)(a), (1)(c), committed them in 2016, and therefore, he was not entitled to have his statutory credits applied to his minimum terms. Substantial evidence supports the district court's findings. *See* NRS 209.4465(8)(d). Further, NRS 453.3405(1) prohibits the application of credits to Sheffey's minimum sentences. Therefore, we conclude the district court did not err by denying this claim.


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).

Sheffey also claimed NDOC's failure to apply credits toward his minimum terms was an ex post facto violation. This claim lacked merit because Sheffey committed his crime after the effective date of the 2007 amendments to NRS 209.4465. See *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Therefore, we conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Ronald Herbert Sheffey
Attorney General/Las Vegas
Eighth District Court Clerk