


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD JEROME POLK,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS;
AND BRIAN WILLIAMS, WARDEN,
Respondents.

No. 80739-COA

FILED

NOV 09 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Gerald Jerome Polk appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 19, 2019. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Polk claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Polk's sentences were the result of convictions for category B felonies committed in 2017: voluntary manslaughter with the use of a deadly weapon and possession of a firearm by a prohibited person. These findings are supported by the record. *See* NRS 193.165(3); NRS 200.080; NRS 202.360(1). Because Polk's convictions were for category B felonies committed after the effective date of NRS 209.4465(8)(d), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his minimum sentence. We therefore conclude the district court did not err by denying this claim.

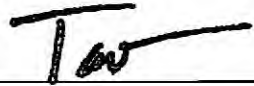
Polk also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. A requirement for an Ex Post Facto Clause

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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 Polk committed his crimes, its application does not violate the Ex Post Facto Clause. We therefore 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. Joseph Hardy, Jr., District Judge
Gerald Jerome Polk
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk