


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERRICK MCMULLAH CRANFORD,
Appellant,
vs.
WARDEN HDSP,
Respondent.

No. 87679-COA

FILED
AUG 15 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Derrick McMullah Cranford appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 18, 2023. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Cranford 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 Cranford's sentence was the result of a conviction for attempted sexual assault and attempted first-degree kidnapping—both category B felonies—committed after the effective date of NRS 209.4465(8).¹ These findings are supported by the record. Because Cranford was convicted of category B felonies, *see* NRS 193.153(1)(a)(1) (former NRS 193.330) (categories for crimes of attempt); NRS 200.310 (category for crime of first-degree kidnapping); NRS 200.366 (category for crime of sexual assault), 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

¹NRS 209.4465(8) exempts offenders who have committed certain crimes, including category B felonies, from being eligible to have statutory credits applied to their minimum sentence.

credits to his minimum sentence. Therefore, we conclude the district court did not err by denying this claim.

Cranford also claimed that credits should be applied to his minimum term based on *Williams v. State, Dep't of Corr.*, 133 Nev. 594, 402 P.3d 1260 (2017), and on AB 271, which Cranford argued amended NRS 209.4465(8) to remove category B felonies as an exemption from the application of statutory credits. The district court found that the *Williams* decision did not apply to Cranford because it did not apply to crimes committed on or after July 1, 2007, *see Williams*, 133 Nev. at 600 n.7, 402 P.3d at 1265 n.7, and Cranford committed his offenses in 2015. Further, the district court found that the 2023 Legislature did not pass AB 271, and thus Cranford's argument related to the proposed bill did not warrant relief. The record supports the district court's findings. Therefore, we conclude that the district court did not err by denying this claim.

Next, Cranford claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. A requirement for an Ex Post Facto Clause violation is that the statute apply to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). Because NRS 209.4465(8) was enacted before Cranford committed his crime, its application does not violate the Ex Post Facto Clause. Therefore, we conclude the district court did not err by denying this claim.

Finally, Cranford claimed the application of NRS 209.4465(8) violates the Due Process Clause. The application of statutory credits "only serves to make an offender eligible for parole earlier." *Williams*, 133 Nev. at 600 n.7, 402 P.3d at 1265 n.7. And Nevada's parole scheme "creates no protectable liberty interest sufficient to invoke the Due Process Clause." *Anselmo v. Bisbee*, 133 Nev. 317, 320, 396 P.3d 848, 850 (2017) (internal

quotation marks omitted). Therefore, we conclude the district court did not err by denying this claim.

Having concluded that Cranford is not entitled to relief, we ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
Derrick McMullah Cranford
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk