

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN REED CRYSLER, II,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54108

FILED

FEB 03 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of driving under the influence of intoxicating liquor. Third Judicial District Court, Churchill County; Norman C. Robison, Judge.

Appellant John Reed Crysler, II, contends that application of the 2005 amendments to NRS 484.3792(2), 2005 Nev. Stat. (Special Session), ch.6, § 15, at 102-05, violates the Ex Post Facto Clause of the United States and Nevada Constitutions. See U.S. Const. art. I, § 10, cl. 1; Nev. Const. art. 1, § 15. This issue is not properly raised in this appeal because Crysler was convicted pursuant to NRS 484.3792(1)(c), and the amended provisions about which he complains were not applied to him. Therefore, we decline to consider this issue and we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. David A. Huff, Chief Judge
Hon. Norman C. Robison, Senior Judge
Churchill County Public Defender
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk