

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH DYNELL FULLER,
Appellant,
vs.
BRIAN WILLIAMS, WARDEN; THE
STATE OF NEVADA DEPARTMENT
OF CORRECTIONS; AND THE STATE
OF NEVADA,
Respondents.

No. 71237

FILED

JUN 15 2017

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

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order denying appellant Ralph Fuller's May 4, 2016, postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge. Fuller challenged the computation of time he has served. We affirm.¹

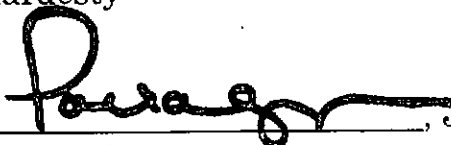
Fuller claimed that he is entitled to the deduction of statutory credits from his minimum sentences. Fuller's claim lacks merit. NRS 209.4465(7), which provides for the sought-after deductions, begins, "[e]xcept as otherwise provided in subsection[] 8," and NRS 209.4465(8) specifically excludes offenders convicted of category B felonies from deducting statutory credits from their minimum sentences. Fuller was convicted of a category B felony, see NRS 200.080, for an offense committed after NRS 209.4465(8)'s effective date. Accordingly, Fuller is not entitled to the deduction of credits from his minimum sentences.


¹This appeal has been submitted for decision on the record without briefing or oral argument. NRAP 34(f)(3), (g); see also NRAP 31(d)(1); *Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Fuller also claimed that the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Fuller's claim lacks merit. A 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). As NRS 209.4465(8) was enacted more than a year before Fuller's crime, its application thus does not violate the Ex Post Facto Clause.

Having concluded Fuller's claims lack merit, we
ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Linda Marie Bell, District Judge
Ralph Dynell Fuller
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk