

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD THEODORE GLENN,  
Appellant,  
vs.  
BRIAN WILLIAMS, WARDEN,  
Respondent.

No. 75899-COA

**FILED**

NOV 06 2018

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

*ORDER OF AFFIRMANCE*

Gerald Theodore Glenn appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 21, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

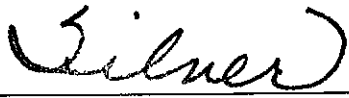
Glenn claimed he was entitled to the application of statutory credits toward his minimum sentences pursuant to NRS 209.4465(7)(b). Glenn's claim lacked merit. NRS 209.4465(7) begins, "[e]xcept as otherwise provided in subsection[ ] 8," and NRS 209.4465(8)(c) specifically excludes offenders convicted of felonies pursuant to NRS 484C.110(1) and NRS 484C.430(1) from having credit applied to their minimum term. Glenn was sentenced for two category B felonies pursuant to NRS 484C.110(1) and NRS 484C.430(1) and the offenses were committed after NRS 209.4465(8)'s effective date of July 1, 2007. Glenn is therefore not entitled to the application of credits toward his minimum sentence, and the exclusion does not violate the Ex Post Facto Clause. *See Weaver v. Graham*, 450 U.S. 24,


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<sup>1</sup>This 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).

29 (1981) (holding a statute violates the Ex Post Facto Clause only when it applies to events that occurred prior to its enactment). Accordingly, we conclude the district court did not err by denying Glenn's petition, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge  
Gerald Theodore Glenn  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk