

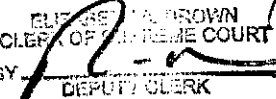
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RASHON KALANIKAI KING,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 76222-COA

FILED

MAR 14 2019

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

ORDER OF AFFIRMANCE

Rashon Kalanikai King appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on December 15, 2017.¹ Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.


In his petition, King claimed the Nevada Department of Corrections (NDOC) was not applying the statutory credits he earned to his minimum sentence as required by NRS 209.4465. The district court found that King had expired his robbery sentence, his statutory credits were being applied to the minimum sentence of the sentencing enhancement for using a deadly weapon during the robbery, and he was not entitled to relief for the first-degree-kidnapping-with-the-use-of-a-deadly-weapon sentences because the relevant statutes specified a minimum term that must be served before parole eligibility.

On appeal, King appears to claim that his challenge to the expired robbery sentence is not moot because NDOC failed to apply the


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

statutory credits he earned to his minimum sentence, and he appears to argue that the statutory credits NDOC failed to apply to his minimum sentence for robbery should be applied to his current parole eligibility date. However, the record supports the district court's findings and we conclude the district court properly determined King's challenge to his expired robbery sentence was moot and he is not entitled to relief. *See Williams v. State Dep't of Corr.*, 133 Nev. ___, ___, n.7, 402 P.3d 1260, 1265 n.7 (2017) ("Because the application of credits under NRS 209.4465(7)(b) only serves to make an offender eligible for parole earlier, no relief can be afforded where the offender has already expired the sentence."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Tao


_____, J.
Gibbons


_____, J.
Bulla

²To the extent King claims NDOC's application of his statutory credits to his sentences violates the Ex Post Facto Clause, we decline to consider his claim because it was not raised in his habeas petition or considered by the district court in the first instance. *See Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 103 P.3d 25 (2003).

cc: Hon. Jim C. Shirley, District Judge
Rashon Kalanikai King
Attorney General/Carson City
Pershing County Clerk