

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARLIS DEON DORSEY, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND JAMES  
DZURENDA DIRECTOR, NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondents.

No. 77199-COA

**FILED**

MAY 17 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

MARLIS DEON DORSEY, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA; AND JAMES  
DZURENDA, DIRECTOR, NEVADA  
DEPARTMENT OF CORRECTIONS,  
Respondents.

No. 77200-COA

*ORDER OF AFFIRMANCE*

Marlis Deon Dorsey, Jr., appeals from a district court order denying two postconviction petitions for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

The petition in Docket No. 77199 was filed on February 7, 2018, in district court case number A769097. The petition in Docket No. 77200

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<sup>1</sup>These appeals have been submitted for decision without oral argument. NRAP 34(f)(3).

was filed on January 24, 2018, in district court case number A768206. Both petitions raise similar claims, and the district court disposed of them in a single order.


Dorsey claimed he is entitled to the application of statutory credits to his minimum and maximum sentence pursuant to NRS 209.4465(7)(b). The district court found credits were being applied to Dorsey's maximum sentence. The district court further found Dorsey's sentence was the result of a conviction for a category B felony committed after the effective date of NRS 209.4465(8)(d), which precludes the application of credits to minimum terms of sentences for such felonies. These findings are supported by the record. *See* NRS 200.481(2)(e)(2). We therefore conclude the district court did not err by denying this claim.


Dorsey also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Dorsey's claim lacked 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). Because NRS 209.4465(8) was enacted before Dorsey committed his crimes, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying this claim.


Finally, to the extent Dorsey claimed he was entitled to the application of statutory credits pursuant to NRS 209.4465(9), his claim lacked merit. NRS 209.4465(9) simply sets a limit on the amount of statutory credit that can be applied to a minimum sentence for certain

offenders. We therefore conclude the district court did not err by denying this claim. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Linda Marie Bell, Chief Judge  
Marlis Deon Dorsey, Jr.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>In his informal briefs on appeal, Dorsey challenges the validity of NRS 209.4465(8) and raises an equal-protection claim. As these claims were not raised below, we decline to consider them on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).