

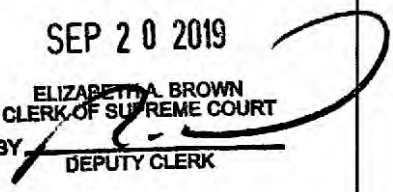
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICK ODOM,
Appellant,
vs.
JO GENTRY, WARDEN,
Respondent.

No. 77712-COA

FILED

SEP 20 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE


Rick Odom appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 21, 2018. Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.


Odom claimed he is entitled to the application of statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). The district court found Odom's sentences were the result of a conviction for category B felonies committed in 2015, after the effective date of NRS 209.4465(8)(d). These findings are supported by the record. Because Odom was convicted of category B felonies, *see* NRS 193.162(4); NRS 193.165(3); NRS 200.380(2); NRS 200.471(2)(b); NRS 205.060(2), (4), committed after the effective date of NRS 209.4465(8)(d), he was precluded from the application of credits to his minimum sentence. We therefore conclude the district court did not err by denying this claim.

Odom also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Odom'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 Odom committed his crime, its application does not violate the Ex Post Facto Clause. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Rick Odom
Attorney General/Las Vegas
Eighth District Court Clerk

¹In his informal brief, Odom contends the Nevada Department of Corrections is subtracting six days of credit per month from his sentence. Odom did not raise this claim below, and we decline to consider it on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).