

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MITZI ROCHELLE HENDRIX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78584-COA

**FILED**

JAN 24 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Mitzi Rochelle Hendrix appeals from an order of the district court denying two postconviction petitions for a writ of habeas corpus filed on June 21, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Hendrix claimed she is entitled, pursuant to NRS 209.4465(7)(b), to the application of statutory credits to the minimum sentences imposed for her burglary convictions. The district court found Hendrix's burglary sentences were the result of convictions for crimes committed in 2014 and 2017, after the effective date of NRS 209.4465(8)(d). These findings are supported by the record. Because Hendrix was convicted of category B felonies, *see* NRS 205.060(2), committed after the effective date of NRS 209.4465(8)(d), she was precluded from the application of

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<sup>1</sup>Hendrix filed a petition in district court case number A-18-776354-W that challenged the computation of her burglary sentence imposed in district court case number CR-15-307690-1. Hendrix filed a petition in district court case number A-18-776358-W that challenged the computation of her burglary sentence imposed in district court case number CR-17-327058-1. The district court consolidated the petitions below.


credits to her minimum sentences. We therefore conclude the district court did not err by denying these claims.

Hendrix also claimed the application of NRS 209.4465(8) violates the Ex Post Facto Clause. Hendrix' claims 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 Hendrix committed her crimes, its application does not violate the Ex Post Facto Clause. We therefore conclude the district court did not err by denying Hendrix' petition.

Finally, Hendrix claims on appeal that NRS 209.4465(8) is an unconstitutional Bill of Attainder. This claim was not properly raised below, and we therefore decline to consider it on appeal in the first instance. See NRS 34.750(5); *McNelson v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Linda Marie Bell, Chief Judge  
Mitzi Rochelle Hendrix  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk