

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CURTIS ELMO WILLIAMS,
Appellant,
vs.
JERRY HOWELL, WARDEN,
Respondent.

No. 78807-COA

FILED

FEB 19 2020

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

ORDER OF AFFIRMANCE

Curtis Elmo Williams appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on November 6, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Williams argues the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) was improperly denying the application of earned statutory credit to his minimum sentence. The district court found that Williams was convicted of trafficking in a controlled substance, a category A felony, for crimes committed in 2016, and he was sentenced to a term of 25 years with the possibility of parole after a minimum term of 10 years has been served. See NRS 453.3385(1)(c). Therefore, the district court concluded that NRS 209.4465(7)(b), (8)(d) prohibited the application of earned statutory credit to Williams' minimum sentence. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Williams also argues the district court erred by denying his claim that the decision in *Williams v. State, Department of Corrections*, 133 Nev. 594, 402 P.3d 1260 (2017), applied to him. The district court denied this claim because the Nevada Supreme Court ruled that the *Williams*


decision does not affect crimes committed after July 1, 2007, *see id.* at 600 n.7, 402 P.3d at 1265 n.7, and Williams committed his crime in 2016. We conclude the district court did not err by denying this claim.

Williams further argues the district court erred by denying his claim that the application of NRS 209.4465(8) violated the Ex Post Facto Clause. The district court found Williams' claim lacked merit because 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 Williams committed his crimes, its application did not violate the Ex Post Facto Clause. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Williams also raises numerous claims that were not raised in the district court below: he was not informed before he was convicted that he would not receive credit toward his minimum term, he was not allowed to cooperate with the police to reduce his sentence, and counsel should have challenged the evidence against him. Because these claims were not raised below, we decline to consider them for the first time on appeal. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Curtis Elmo Williams
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk