

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GERALD WRISCHNIK,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74172

**FILED**

AUG 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Gerald Wrischnik appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 27, 2016.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

Wrischnik claimed the Nevada Department of Corrections is not applying statutory credits to his minimum sentences pursuant to NRS 209.4465(7)(b). Wrischnik's claim lacked merit. NRS 209.4465(7) begins, "Except as otherwise provided in subsection[ ] 8," and NRS 209.4465(8)(d) specifically excludes offenders convicted of category B felonies from applying statutory credits to their minimum sentences. Wrischnik's controlling sentences were for category B felonies, *see* NRS 205.060(2); NRS 207.010(1)(a), for offenses committed after NRS 209.4465(8)'s effective date. Wrischnik is therefore not entitled to the application of credits to his


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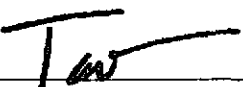
<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

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minimum sentences. We therefore conclude the district court did not err by denying Wrischnik's claim, and we

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

  
\_\_\_\_\_, C.J.  
Silver

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

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

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

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<sup>2</sup>We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. \_\_\_, \_\_\_, 391 P.3d 760, 760-61 (2017).