

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEROLD CENTENO,
Appellant,
vs.
WARDEN HDSP; AND THE STATE OF
NEVADA,
Respondents.

No. 88255-COA

FILED

OCT 31 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

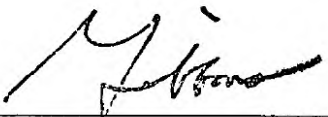
Gerold Centeno appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on November 29, 2023. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

Centeno claimed that he is entitled to the application of statutory credits to his minimum sentence pursuant to NRS 209.4465. The district court found Centeno's sentence was the result of convictions for attempted sexual assault with a minor under 14 and attempted lewdness with a child under 14—both category B felonies—committed after the effective date of NRS 209.4465(8).¹ Centeno conceded he was convicted of attempted sexual assault and attempted lewdness, and he does not dispute that he committed those felonies after the effective date of NRS 209.4465(8). Because Centeno was convicted of category B felonies, *see* NRS

¹NRS 209.4465(8) exempts offenders who have committed certain crimes, including a sexual offense punishable as a felony and category B felonies, from being eligible to have statutory credits applied to their minimum parole eligibility.

193.153(1)(a)(1) (categories for the crimes of attempt); NRS 200.366(3) (category for the crime of sexual assault with a minor under 14); NRS 201.230(2) (category for the crime of lewdness with a child under 14), committed after the effective date of NRS 209.4465(8)(d), *see* 2007 Nev. Stat., ch. 525, § 22, at 3196, he was precluded from the application of credits to his minimum sentence. Further, because Centeno is not eligible to apply statutory credit toward his minimum sentence pursuant to NRS 209.4465(8)(d), he was not entitled to apply statutory credits toward his minimum sentence pursuant to NRS 209.4465(9). Therefore, we conclude the district court did not err by denying this claim.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²Centeno also appears to argue the district court erred in adopting an order submitted by the Nevada Attorney General's Office. However, parties may submit proposed orders to the district court, *see* EDCR 5.515, and the court does not abuse its discretion by adopting a litigant's proposed order, *see Eivazi v. Eivazi*, 139 Nev., Adv. Op. 44, 537 P.3d 476, 482-83 (Ct. App. 2023). Any failure of the district court to ensure that Centeno had an opportunity to review and respond to the proposed order was harmless. *See* NRS 178.598 ("Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.").

cc: Hon. Erika D. Ballou, District Judge
Gerold Esparza Centeno
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk