

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KENTRELL DUMURIE WELCH,  
Appellant,  
vs.  
WARDEN WILLIAM ALLEN GITTERE  
AND THE STATE OF NEVADA,  
Respondents.

No. 88570-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Kentrell Dumurie Welch appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on December 5, 2023. Seventh Judicial District Court, White Pine County; Steve L. Dobrescu, Judge.

Welch argues the Nevada Department of Corrections (NDOC) incorrectly determined that his concurrent sentences arising from two separate cases began to run concurrently when the subsequent, longer sentence was imposed. He asserts that, because the NDOC did not account for any time he was imprisoned for the first sentence, he effectively served consecutive sentences. To give proper effect to the district court's authority to impose concurrent sentences under NRS 176.035(1), he contends the NDOC must calculate the sentence imposed on November 20, 2013, as being imposed on June 4, 2008.

On November 19, 2003, Welch pleaded no contest to attempted robbery in district court case number C196499. The district court deferred Welch's sentencing to permit him to attend drug treatment, but Welch failed to appear for court in August 2004, and a bench warrant was issued. Welch was arrested four years later, convicted of attempted robbery

pursuant to his plea, and sentenced to 22 to 96 months' imprisonment on September 15, 2008.

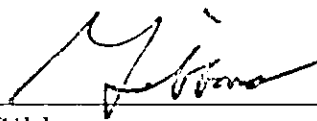
On October 10, 2008, in district court case number C248013, Welch was charged with burglary while in possession of a firearm, murder with the use of a deadly weapon, attempted murder with the use of a deadly weapon, and battery with the use of a deadly weapon resulting in substantial bodily harm occurring on or about August 17, 2008. Welch later entered into a plea agreement and pleaded guilty to second-degree murder with the use of a deadly weapon and attempted murder on December 11, 2013. The district court sentenced Welch to life in prison with the possibility of parole after ten years for second-degree murder with a consecutive term of 8 to 20 years for the deadly weapon enhancement and imposed a concurrent term of 8 to 20 years for attempted murder. The judgment of conviction was entered on February 18, 2014, and did not state whether the sentences in case number C248013 were to run consecutively or concurrently with case number C196499. The NDOC treated the sentence imposed in C248013 as beginning on November 20, 2013, to account for the presentence credit for time served awarded and as running concurrently with the remaining nine days of the sentence imposed in C196499.


Because the judgment of conviction entered in C248013 was silent as to whether the sentence was to run consecutively or concurrently with the previously imposed sentence, NRS 176.035(1) provides that the sentences run concurrently. The second-degree murder sentence imposed in C248013 is the longest sentence imposed, and thus the NDOC correctly treated it as the controlling sentence once it was imposed. See NRS 213.1213(1) (providing "eligibility for parole from any of the concurrent

sentences must be based on the sentence which requires the longest period before the prisoner is eligible for parole”). Contrary to Welch’s contention, NRS 176.035(1), which allows a district court to impose a sentence consecutively or concurrently to an existing sentence, does not require that the NDOC backdate the sentence imposed in C248013 to coincide with C196499. The NDOC could not do so because “[t]he term of imprisonment designated in the judgment of conviction must begin on the date of sentence of the prisoner by the court.” NRS 176.335(3). The sentence in C248013 could only be served concurrently with the unexpired portion of the sentence in C196499. Therefore, the district court did not err in denying Welch’s petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Steve L. Dobrescu, District Judge  
Federal Public Defender/Las Vegas  
Attorney General/Carson City  
Attorney General/Ely  
White Pine County Clerk