

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEROLD CENTENO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88688-COA

FILED

MAR 24 2025

ELIZABETH A. BROWN
CLERK OF APPELLATE 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 filed on December 6, 2023. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Centeno filed his petition over three years after the district court entered his judgment of conviction.¹ Thus, Centeno's petition was untimely filed. *See* NRS 34.726(1). Centeno's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. *See* NRS 34.726(1). A petitioner's good-cause claims must be supported by specific factual allegations that are not belied by the record and, if true, would entitle the petitioner to relief. *See Berry v. State*, 131 Nev. 957, 967, 363 P.3d 1148, 1154-55 (2015).

Centeno claimed counsel's failure to file a notice of appeal amounted to good cause to excuse his untimely petition. Centeno did not demonstrate good cause. Given that Centeno explicitly waived his right to file a direct appeal in the guilty plea agreement, Centeno failed to allege

¹Centeno did not appeal from his judgment of conviction.


sufficient facts to demonstrate that he reasonably believed an appeal was pending during the timely-filing period. *See Hathaway v. State*, 119 Nev. 248, 254-55, 71 P.3d 503, 507-08 (2003) (providing that a petitioner can establish good cause “if the petitioner establishes that the petitioner *reasonably* believed that counsel had filed an appeal and that the petitioner filed a habeas corpus petition within a reasonable time after learning that a direct appeal had not been filed” (emphasis added)). Further, even assuming Centeno showed he reasonably believed an appeal was pending during the timely-filing period,² Centeno did not allege sufficient facts to demonstrate he filed his petition within a reasonable time of learning no appeal had been taken. Accordingly, we

ORDER the judgment of the district court AFFIRMED.



_____ ,
Bulla

C.J.



_____ ,
Gibbons

J.



_____ ,
Westbrook

J.

²The district court found that Centeno made “no assertion that he had either directed his counsel to file a direct appeal or that his counsel should have known that he wanted to file a direct appeal.” This determination is not supported by the record based on the allegations alone. Nonetheless, we affirm the district court’s order because it reached the correct result. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 33, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

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