

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROSALINDA FALCONE,
Appellant,
vs.
THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent.

No. 88869-COA

FILED

APR 23 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rosalinda Falcone appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on March 28, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.


In her petition, Falcone alleged the method for determining the credit that should be applied toward an offender's sentence while released on parole had been revised by Senate Bill (S.B.) 413 and that those revisions should apply to her. The district court denied the petition because S.B. 413 does not become effective for calculation purposes until July 1, 2025. Consistent with our opinion in *Smith v. State*, 140 Nev., Adv. Op. 81, 561 P.3d 1079 (Ct. App. 2024), we conclude the district court did not err by denying this claim.


On appeal, Falcone contends she mistakenly included S.B. 413 in her petition and asserts she was seeking relief that existed at the time she filed her petition. To the extent Falcone sought the application of statutory credit to her sentence for the period of time she was released on parole pursuant to the provisions of NRS Chapter 209 in effect at the time she filed her petition, Falcone neither alleged nor demonstrated that she


25-18081

had exhausted her administrative remedies before filing the petition. *See* NRS 34.724(1) ("Any person . . . who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed may file a petition . . . to challenge the computation of time that the person has served."); *see also* NRS 34.724(2)(c). Therefore, we conclude the district court did not err by denying Falcone's petition.¹ *See* NRS 34.810(2) (providing "[t]he court shall dismiss a petition that challenges the computation of time served . . . without prejudice if the court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Nothing in this order should be construed as precluding Falcone from filing a postconviction petition for a writ of habeas corpus challenging the computation of time served after all available administrative remedies have been exhausted.

cc: Erika D. Ballou, District Judge
Rosalinda Falcone
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk