

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC W. ZESSMAN,  
Appellant,

vs.

BILL YOUNG, SHERIFF, LAS VEGAS  
METROPOLITAN POLICE  
DEPARTMENT; DAVID ROGER,  
DISTRICT ATTORNEY, CLARK  
COUNTY DISTRICT ATTORNEY  
OFFICE; LYNN ROBINSON, DEPUTY  
DISTRICT ATTORNEY, CLARK  
COUNTY DISTRICT ATTORNEY  
OFFICE; QUALITY TOWING; AND  
PAM WESCOAT, OFFICER, LAS VEGAS  
METROPOLITAN POLICE  
DEPARTMENT,  
Respondents.

No. 43297

**FILED**

FEB 04 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Bloom*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order granting summary judgment in a conversion action. Eighth Judicial District Court, Clark County; Ronald D. Parraguirre, Judge.

We have previously recognized that "[c]onversion is 'a distinct act of dominion wrongfully exerted over another's personal property in denial of, or inconsistent with his title or rights therein or in derogation,

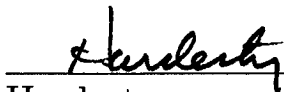
exclusion, or defiance of such title or rights."<sup>1</sup> But if the property is lawfully possessed, then no conversion occurs.<sup>2</sup>

Here, the record reflects that the property alleged to have been converted was lawfully seized under a valid search warrant, and that it is currently held under a valid pre-judgment writ of attachment. Accordingly, the district court did not err in determining that no genuine issue of fact existed as to appellant's claim of conversion, and thus granting summary judgment.<sup>3</sup> We therefore

ORDER the judgment of the district court AFFIRMED.

 \_\_\_\_\_, C.J.  
Becker

 \_\_\_\_\_, J.  
Rose

 \_\_\_\_\_, J.  
Hardesty

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<sup>1</sup>Evans v. Dean Witter Reynolds, Inc., 116 Nev. 598, 606, 5 P.3d 1043, 1048 (2000) (quoting Wantz v. Redfield, 74 Nev. 196, 198, 326 P.2d 413, 414 (1958)).

<sup>2</sup>See Wantz, 74 Nev. at 198, 326 P.2d at 414 (stating that a conversion is essentially tortious, and requires an unlawful act).

<sup>3</sup>See NRCP 56(c) (stating that summary judgment is appropriate when there are no genuine issues of material fact and the movant is entitled to judgment as a matter of law); see also Rosenstein v. Steele, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987) (noting that this court will affirm a district court's order if the district court reached the correct result, even if for different reasons).

cc: Eighth Judicial District Court Dept. 3, District Judge  
Eric Zessman  
Clark County District Attorney David J. Roger/Civil Division  
Rawlings Olson Cannon Gormley & Desruisseaux  
Clark County Clerk