

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LEE TOWE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57737

FILED

JUN 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

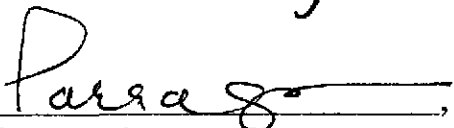
This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

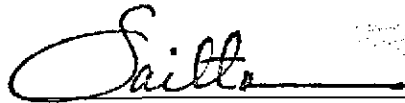
Appellant filed a petition on July 23, 2010, challenging the validity of the judgment of conviction and sentence in district court case number C211079. On appeal, appellant argues that the district court erred in denying his petition as procedurally barred. We note, however, that at the time appellant filed his petition in the district court, he had expired his sentence of imprisonment and was subject only to lifetime supervision. A person on lifetime supervision may not file a post-conviction petition for a writ of habeas corpus because he is not under a sentence of death or imprisonment as required by NRS 34.724. See *Coleman v. State*, 130 Nev. ___, ___, 321 P.3d 863, 867 (2014). Therefore, because appellant did not meet the imprisonment requirement of NRS

34.724, he was not eligible for post-conviction habeas relief. *See id.* For this reason¹, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Douglas W. Herndon, District Judge
Federal Public Defender/Las Vegas
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Although the district court incorrectly addressed the procedural bars, we nevertheless affirm because the district court reached the correct result in denying the petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).