

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRISTIAN F. PRESTHOLM,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59097

FILED

JUN 12 2014

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

ORDER OF AFFIRMANCE

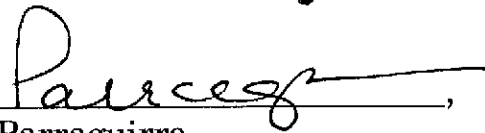
This is an appeal from an order of the district court denying appellant Kristian F. Prestholm's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Prestholm filed a petition on March 22, 2011, challenging the sentence and conditions of lifetime supervision in district court case number C138392. On appeal, Prestholm argues that the district court erred in denying his petition on the merits of the claims. We note, however, that at the time Prestholm 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 Prestholm 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. Michelle Leavitt, District Judge
Turco & Draskovich
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Although the district court incorrectly addressed the merits of the claims raised in the petition, 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).