

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH DEFURIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64391

FILED

JUN 12 2014

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

ORDER OF AFFIRMANCE

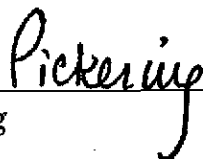
This is an appeal from an order of the district court denying appellant Joseph Defuria's post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

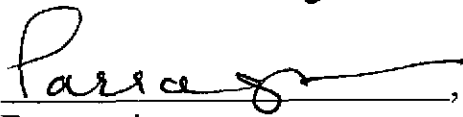
Defuria filed a petition on September 16, 2013, challenging the sentence and conditions of lifetime supervision in district court case number C234133. On appeal, Defuria argues that the district court erred in denying his petition as procedurally barred and on the merits of the claims. We note, however, that at the time Defuria 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

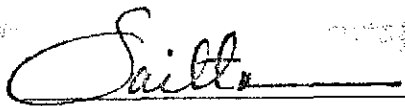
¹Defuria labeled his petition alternatively a "motion to strike conditions of lifetime supervision." To the extent that he attempts to appeal the denial of this motion, we lack jurisdiction because no statute or court rule permits an appeal from an order denying a "motion to strike conditions of lifetime supervision." See *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

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 Defuria did not meet the imprisonment requirement of NRS 34.724, he was not eligible for post-conviction habeas relief. *See id.* For this reason, we affirm the decision of the district court to deny the petition.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
Gary A. Modafferi
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Although the district court incorrectly addressed the procedural bars and merits of the claims, 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).