

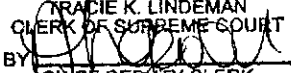
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL VINCENT REYES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 70012

**FILED**

JUL 27 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY:   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

Appellant Michael Reyes claims the district court erred by denying his petition<sup>9</sup> filed on December 3, 2015, because he was not sentenced under the statute that existed at the time of his offense.

In his petition, Reyes claimed (1) he was sentenced under the current version of NRS 213.1243(8) in violation of the Ex Post Facto Clause, (2) NRS 176.0931(2) is ambiguous, and (3) he could not have violated his special sentence of lifetime supervision because he was on probation for another offense. The district court determined these claims were procedurally barred by NRS 34.810(1)(b)(2) and NRS 34.810(2) and Reyes had failed to demonstrate the good cause and actual prejudice necessary to overcome these bars.


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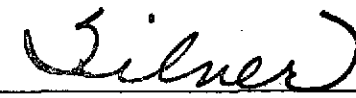
<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

The district court erred in basing its decision on the procedural bars in NRS 34.810(1)(b) and NRS 34.810(2) because Reyes' conviction was not "the result of a trial" and his habeas petition was not "[a] second or successive petition." However, we conclude the district court reached the correct result because Reyes' claims fell outside the narrow scope of claims permitted in a habeas petition challenging a judgment of conviction based on a guilty plea. See NRS 34.810(1)(a); *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm the judgment of a district court if it reached the correct result for the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge  
Michael Vincent Reyes  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk