

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES WRIGHT, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75401-COA

FILED

DEC 19 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

James Wright, Jr., appeals from an order of the district court dismissing a petition for a writ of habeas corpus.¹ Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Wright argues the district court erred by construing his January 8, 2018, petition as a postconviction petition for a writ of habeas corpus and dismissing the petition pursuant to application of the procedural bars contained in NRS 34.720 through NRS 34.830. Wright asserts he filed a petition pursuant to NRS 34.360 and the procedural bars are not applicable to such petitions.

In his petition, Wright challenged his sentence under the habitual criminal enhancement and asserted the sentencing court lacked jurisdiction to impose such a sentence. A person “may prosecute a writ of habeas corpus to inquire into the cause of [his] imprisonment or restraint.” NRS 34.360. The cause of Wright’s imprisonment, as reflected in the record before this court, is his March 3, 2006, conviction for robbery with the use of a firearm and eluding a police officer. Wright’s challenge to the sentence he is serving pursuant to the judgment of conviction was not properly raised


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


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in a petition for a writ of habeas corpus filed pursuant to NRS 34.360, but rather must be raised in a postconviction petition for a writ of habeas corpus. See NRS 34.724(2)(b) (stating that a postconviction petition for a writ of habeas corpus is the exclusive remedy with which to challenge the validity of a judgment of conviction).

As the record demonstrates Wright is lawfully imprisoned, we conclude he is not entitled to relief. Therefore, we affirm the district court's decision to dismiss the petition. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970). ("If a judgment or order of a trial court reaches the right result, although it is based on an incorrect ground, the judgment or order will be affirmed on appeal."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Lynne K. Simons, District Judge
James Wright, Jr.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk