

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GREGORY ALLEN HATFIELD,  
Appellant,  
vs.  
RENEE BAKER, WARDEN,  
Respondent.

No. 76477-COA

**FILED**

FEB 14 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Gregory Allen Hatfield appeals from an order of the district court dismissing a “petition for writ of habeas corpus pursuant to NRS 34.360 to 34.680 et. seq. an independent action presenting a jurisdictional violation.”<sup>1</sup> Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Hatfield argues the district court erred by construing his June 18, 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. Hatfield asserts he filed a petition pursuant to NRS 34.360 to raise a jurisdictional challenge to his underlying conviction and the procedural bars are not applicable to such petitions.

In his petition, Hatfield challenged his conviction for battery with the use of a deadly weapon and asserted the sentencing court lacked

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

jurisdiction to convict him of that offense. 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 Hatfield’s imprisonment, as reflected in the record before this court, is his April 23, 2008, conviction and sentence for battery with the use of a deadly weapon. Hatfield’s challenge to the validity the judgment of conviction was not properly raised 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.<sup>2</sup> 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 Hatfield is lawfully imprisoned, he is not entitled to relief. Therefore, we affirm the district court’s decision to dismiss the petition. See *Wyatt v. State*, 86 Nev. 292, 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.”).


Next, Hatfield argues the district court did not make proper findings of fact or conclusions of law in its order dismissing the petition. However, we conclude that the district court’s order was sufficient to allow this court to properly review Hatfield’s claims and, as discussed previously,

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<sup>2</sup>We express no opinion as to whether Hatfield could meet the procedural requirements of NRS chapter 34.

the district court properly denied relief. Therefore, the district court did not err by dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

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

cc: Hon. Robert W. Lane, District Judge  
Gregory Allen Hatfield  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk

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<sup>3</sup>We have reviewed the October 2, 2018, document Hatfield filed in this matter, and we conclude no relief is warranted. To the extent Hatfield has attempted to present claims or facts in that document which were not previously presented in the proceedings below, we decline to consider them in the first instance.

The Honorable Michael L. Douglas did not participate in the decision in this matter.