

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROYAL HENRY WILCOX, A/K/A ROY  
HENRY WILCOX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75569-COA ✓

ROYAL HENRY WILCOX, A/K/A ROY  
HENRY WILCOX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75570-COA

FILED

MAR 14 2019

ELIZABETH L. BROWN  
CLERK OF SUPREME COURT

BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Royal Henry Wilcox appeals from orders of the district court denying identical petitions for a writ of habeas corpus filed in district court case numbers C838847 (Docket No. 75569) and C38926 (Docket No. 75570) on December 28, 2017.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Wilcox filed his petitions pursuant to NRS 34.360 and specifically stated he was not filing a postconviction petition for a writ of habeas corpus. The district court appears to have treated Wilcox' petitions as postconviction petitions for a writ of habeas corpus and denied the


<sup>1</sup>These appeals have been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

19-11409


petitions as procedurally barred. This was incorrect because Wilcox specifically stated he was not filing postconviction petitions for a writ of habeas corpus. Further, the district court did not notify Wilcox it was construing the petitions as postconviction petitions filed pursuant to NRS 34.724 or provide Wilcox with an opportunity to address the procedural bars. We nevertheless affirm the decision of the district court for the following reasons because it reached the correct result. See *Wyatt v. State*, 86 Nev. 292, 298, 468 P.2d 338, 341 (1970).

A person "may prosecute a writ of habeas corpus to inquire into the cause of [his] imprisonment or restraint." NRS 34.360. A petition filed pursuant to NRS 34.360 may not challenge the validity of the judgment of conviction or sentence. See NRS 34.724(2)(b). The cause of Wilcox' imprisonment, as reflected in the records before this court, are judgments of conviction filed on January 18, 1978, and February 2, 1978. Because Wilcox is restrained pursuant to valid judgments of conviction, he is not entitled to relief under the habeas corpus provisions of NRS 34.360 through NRS 34.680. Accordingly, we

ORDER the judgments of the district court AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Kathleen E. Delaney, District Judge  
Royal Henry Wilcox  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk