

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FELIPE GONZALEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75691-COA

FILED

APR 16 2019

ELIZABETH J. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Felipe Gonzalez appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on September 20, 2017.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

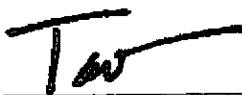
Gonzalez claimed the Nevada Department of Corrections improperly declined to apply his statutory credits toward his minimum sentence. The district court denied Gonzalez' petition finding NRS 209.4465(8)(d) precludes application of credits to his minimum term because Gonzalez was convicted of a category B felony committed after 2007. Because the charging document and judgment of conviction are not part of the record before this court, the district court's findings are not supported by the record. We nevertheless affirm because Gonzalez failed to support his claim with specific facts that, if true, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984); *Wyatt v State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result

¹This appeal has 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).

will not be reversed simply because it is based on the wrong reason). Specifically, Gonzalez failed to allege in his petition when he committed his crimes. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Linda Marie Bell, Chief Judge
Felipe Gonzalez
Attorney General/Carson City
Eighth District Court Clerk