

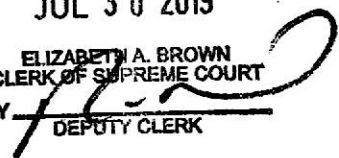
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ADRIAN MONTALVO MEDINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77375-COA

**FILED**

JUL 30 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Adrian Montalvo Medina appeals from an order of the district court denying a petition for a writ of mandamus filed on March 28, 2018.<sup>1</sup> Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

The district court construed Medina's petition for a writ of mandamus as a postconviction petition for a writ of habeas corpus, and denied the petition as procedurally barred. We conclude the district court erred by construing the mandamus petition as a postconviction petition. Nevertheless, we affirm the district court's decision for the reason stated below. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding a correct result will not be reversed simply because it is based on the wrong reason).

In his petition, Medina sought a writ of mandamus for an order directing the governor to call a special session of the legislature in order to invalidate a "facially unconstitutional" senate bill passed by the 1951 Legislature. Medina contended the 1951 Legislature's passage of SB 182


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<sup>1</sup>This 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).

was unconstitutional because it appointed Supreme Court justices to sit on the committee creating the Nevada Revised Statutes.

Medina failed to demonstrate the governor had a duty resulting from an office, trust, or station to call a special session to invalidate SB 182 as passed by the 1951 Legislature. *See* NRS 34.160; *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Accordingly, we conclude the district court did not abuse its discretion by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Stefany Miley, District Judge  
Adrian Montalvo Medina  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk