

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LATERRIER MCQUEEN, A/K/A
LATERRIE MCQUEEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69491

FILED

MAY 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Yoena
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a motion to withdraw a guilty plea. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Appellant Laterrier McQueen pleaded guilty to attempted battery with substantial bodily harm, which may be punished as either a category D felony or a gross misdemeanor. The district court decided to punish the offense as a felony, suspend the sentence, and place McQueen on probation. The district court told McQueen, “[i]f you successfully complete probation and you don’t have any more problems, [the felony] can be reduced to a gross misdemeanor with credit for time served. You won’t be a convicted felon the rest of your life. Do you understand?”¹


McQueen was honorably discharged from probation at the conclusion of his probationary period. Approximately 21 months later, he filed a motion to withdraw his guilty plea and enter a new guilty plea to

¹The Honorable Douglas E. Smith, District Judge, presided over McQueen’s sentencing.

attempted battery with substantial bodily harm, a gross misdemeanor. The State opposed the motion, and the district court denied the motion on its merits.

We conclude the district court's decision to deny McQueen's motion produced the correct result because a postconviction petition for a writ of habeas corpus provides the exclusive remedy for challenging the validity of a guilty plea after sentencing and it is not available to a petitioner who is no longer under a sentence of imprisonment for the conviction at issue. *Coleman v. State*, 130 Nev. ___, ___, 321 P.3d 863, 865 (2014); *Harris v. State*, 130 Nev. ___, ___, 329 P.3d 619, 628 (2014); see *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (we will affirm a judgment or order of the district court if it reached the correct result albeit for an incorrect reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Michael Villani, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk