

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAWOD MOHAMMAD ANSARY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79748-COA

FILED

JUN 12 2020

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

ORDER OF AFFIRMANCE

Dawod Mohammad Ansary appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on June 20, 2019. Eighth Judicial District Court, Clark County; Cristina D. Silva, Judge.

Ansary contends the district court erred by denying his petition. He sought resentencing on the ground that his sentence was based on a material misapprehension of his willingness to undergo mental health treatment. Where, as here, a conviction arises from a guilty plea, claims that may be raised in a postconviction petition for a writ of habeas corpus are limited to those alleging that the plea was involuntarily or unknowingly entered or that it was entered without the effective assistance of counsel. *See* NRS 34.810(1)(a). Ansary's claim fell outside this scope. Although it did not address this threshold issue, we nevertheless conclude the district court reached the correct result. *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 pleadings on appeal, Ansary claims counsel was ineffective and the district court lacked jurisdiction. Because these claims

were not raised in the district court, we decline to consider them on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Cristina D. Silva, District Judge
Dawod Mohammad Ansary
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk