

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEVELL MOORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88250-COA

FILED

AUG 08 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Devell Moore appeals from a district court order denying a “petition for writ of habeas corpus pursuant to NRS 34.360 requiring state to respond to inquiry of ‘cause of imprisonment’ of [sic] question” and granting the State’s counter motion to dismiss. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.


In his petition, Moore challenged the legality of his arrest in the underlying criminal matter. A person “may prosecute a writ of habeas corpus to inquire into the cause of [his] imprisonment or restraint.” NRS 34.360. The cause of Moore’s imprisonment, as reflected in the record before this court, is a February 3, 2010, judgment of conviction of three counts of sexual assault with a minor under the age of 14 and one count of lewdness with a child under the age of 14. Moore’s claim was not within the scope of a petition for a writ of habeas corpus filed pursuant to NRS 34.360.

Therefore, we conclude the district court did not err by denying Moore's petition.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jennifer L. Schwartz, District Judge
Devell Moore
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹The district court construed Moore's petition to be a postconviction petition for a writ of habeas corpus filed pursuant to NRS 34.720 through NRS 34.380. We conclude this was error because Moore's petition specifically stated he was seeking relief pursuant to NRS 34.360, not the postconviction provisions. Nevertheless, we affirm for the reasons stated herein. 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).