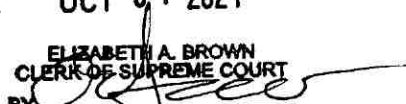


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WESLEY A. WILSON,
Appellant,
vs.
W. A. GITTERE, WARDEN; THE STATE
OF NEVADA; AND THE STATE OF
NEVADA BOARD OF PAROLE
COMMISSIONERS,
Respondents.

No. 87878-COA

FILED
OCT 04 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Wesley A. Wilson appeals from a district court order denying an “emergency application for writ of habeas corpus” filed on October 4, 2023. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

In his motion, Wilson claimed that his due process rights were violated because the Nevada Board of Parole Commissioners (Parole Board) failed to hold a parole revocation hearing within 60 days after Wilson was returned to the custody of the Nevada Department of Corrections (NDOC). Wilson contended that he would have expired his sentence but for the Parole Board’s error. A parolee that has been taken into custody has a due process right to a revocation hearing within a reasonable time. *Matter of Smith*, 138 Nev. 133, 135-36, 506 P.3d 325, 327-28 (2022). However, “where a parolee delays the revocation hearing by requesting continuances pending the outcome of the parolee’s new criminal charges, neither due process nor NRS 213.1517 will require the Parole Board to hold the revocation hearing

within 60 days of the parolee's return to NDOC." *Id.* at 136 n.2, 506 P.3d at 328 n.2.

The district court found that Wilson sought continuances of two parole revocation hearings, the first of which was scheduled to occur within the 60-day period, because the charges in his new criminal case remained unresolved. This finding is supported by the record. Because Wilson delayed his revocation hearing by requesting continuances, we conclude the district court did not err by finding that Wilson was not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

¹The district court found that Wilson's claim was not cognizable in a postconviction habeas petition because he did not request relief from a judgment of conviction or sentence or challenge the computation of time served pursuant to a judgment of conviction. In light of *Smith*, we reject this conclusion. However, because the district court reached the correct result, we affirm the denial. *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).

cc: Chief Judge, Eighth Judicial District Court
Hon. Joseph T. Bonaventure, Senior Judge
Wesley A. Wilson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk