

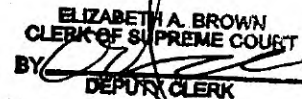
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL HUNTER, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 88111-COA

FILED

NOV 01 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Hunter, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on October 11, 2023. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.


In his petition, Hunter argued that he was entitled to receive 20 days of credit for time served for each month on probation pursuant to NRS 176A.500.¹ This claim challenged the validity of his judgment of conviction and sentence, *see Griffin v. State*, 122 Nev. 737, 746, 137 P.3d 1165, 1170-71 (2006) (holding “a claim for presentence credit is a challenge to the validity of the judgment of conviction and sentence” and “may be raised on direct appeal or in a post-conviction petition for a writ of habeas corpus in compliance with the procedural requirements of NRS chapter 34”), and thus, it was subject to the procedural time bar in NRS 34.726.

Hunter filed his petition more than one year after entry of the order for revocation of probation and amended judgment of conviction was

¹We note that nothing in NRS 176A.500 provides for statutory credit earned while on probation to be applied to a petitioner’s maximum sentence; rather, these credits only apply to reduce the period of probation. *See* NRS 176A.500(6) (“A person who is sentenced to serve a period of probation for a felony or a gross misdemeanor must be allowed *for the period of probation* a deduction of” (emphasis added)).

filed on September 22, 2022. Thus, Hunter's petition was untimely filed, see NRS 34.726(1), and Hunter's petition was procedurally barred absent a demonstration of good cause—cause for the delay and undue prejudice. See *id.* Hunter failed to allege good cause to overcome the procedural time bar.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²In his petition, Hunter also challenged the procedures under which his probation was revoked, arguing that he should have been subject to graduated sanctions under NRS 176A.510 and NRS 176A.630. This claim was also time barred, and Hunter failed to allege good cause and prejudice to overcome that bar. In addition, this claim was also waived because it could have been raised on direct appeal. See *Franklin v. State*, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) *overruled on other grounds by Thomas v. State*, 115 Nev. 148, 979 P.2d 222 (1999).

³We note that the district court erred by construing the petition as a postconviction petition for a writ of habeas corpus challenging the computation of time served and by considering the merits of the claims raised in his petition. See *State v. Eighth Jud. Dist. Court (Riker)*, 121 Nev. 225, 231, 112 P.3d 1070, 1074 (2005) (application of the procedural bars is mandatory). However, because the district court reached the correct result, we affirm. 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: Hon. Erika D. Ballou, District Judge
Michael Hunter, Jr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk