

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSEPH N. RICCI,
Appellant,
vs.
WARDEN WILLIAMS,
Respondent.

No. 88861-COA

FILED

MAR 11 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Joseph N. Ricci appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on September 28, 2023.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.


In his petition, Ricci contended that NRS 213.1215(1), which requires certain prisoners to be released on parole prior to the end of their maximum term or maximum aggregate term, mandated his release on parole in October 2023. Ricci also appeared to contend that the Nevada Department of Corrections miscalculated his sentence expiration date.

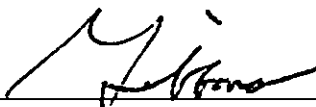
Ricci did not demonstrate that he had exhausted his administrative remedies before filing the petition. *See* NRS 34.724(1) (“Any person . . . who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of

¹Ricci’s petition was titled a “motion for a writ of habeas corpus pursuant to NRS 34.360 and NRS 34.370(2).” The district court construed Ricci’s filing as a postconviction petition for a writ of habeas corpus challenging the computation of time served, *see* NRS 34.724(1), (2)(c), and Ricci does not challenge the district court’s construal of his petition on appeal.

conviction has been improperly computed may file a petition . . . to challenge the computation of time that the person has served.”); *see also* NRS 34.724(2)(c). Therefore, we conclude the district court did not err by denying Ricci’s petition.² *See* NRS 34.810(2) (stating “[t]he court shall dismiss a petition that challenges the computation of time served . . . without prejudice if the court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²The district court erred by denying the petition on the merits because Ricci had not demonstrated that he had exhausted all available administrative remedies before filing the petition. Nevertheless, the district court properly denied the requested relief because the petition should have been dismissed without prejudice. *See* NRS 34.810(2); *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). Nothing in this order should be construed as precluding Ricci from filing a postconviction petition for a writ of habeas corpus challenging the computation of time served after all available administrative remedies have been exhausted.

cc: Hon. Erika D. Ballou, District Judge
Joseph N. Ricci
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk