

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ELVIN TURNER,
Appellant,
vs.
CALVIN JOHNSON, WARDEN HDSP,
Respondent.

No. 89217-COA

FILED

MAY 06 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

John Elvin Turner appeals from a district court order denying a postconviction petition for a writ of habeas corpus challenging the computation of time served filed on February 27, 2024. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In his petition, Turner claimed (1) his due process rights were violated because he was not called to attend his December 27, 2023, parole hearing; and (2) he lost, or was otherwise prevented from earning, good time credits. Turner's claim regarding his parole hearing was not cognizable in a postconviction petition for a writ of habeas corpus because Turner was lawfully confined pursuant to a valid judgment of conviction and his claim did not challenge the judgment of conviction or the computation of time served. *See* NRS 34.720.

To the extent Turner sought the application of good time credits, he failed to demonstrate that he had exhausted his administrative

remedies before filing the instant 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 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 Turner’s petition.¹

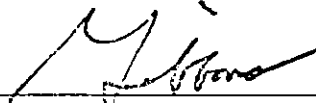
On appeal, Turner contends the State’s response to his petition was untimely filed and that the district court failed to take any action. Even assuming the State’s petition was untimely filed, the district court has discretion to consider an untimely response to a postconviction habeas petition, see *Means v. State*, 120 Nev. 1001, 1018-20, 103 P.3d 25, 36-37 (2004), and Turner fails to demonstrate any error affected his substantial rights, see NRS 178.598 (“Any error, defect, irregularity or variance which


¹The district court erred in failing to determine whether Turner had exhausted his administrative remedies. See NRS 34.724(1), (2)(c). Nevertheless, the district court properly denied the requested relief because the petition should have been dismissed without prejudice. See NRS 34.810(2); see also *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 Turner 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.

does not affect substantial rights shall be disregarded.”). Therefore, we conclude Turner is not entitled to relief on this claim. Accordingly,² we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Erika D. Ballou, District Judge
John Elvin Turner
Attorney General/Carson City
Clark County District Attorney
Attorney General/Las Vegas
Eighth District Court Clerk

²To the extent Turner raises other arguments not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.