

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LEONARD STAYTON, IV,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46528

FILED

MAY 26 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant William Stayton, pleaded guilty to two counts of aiding and abetting in the commission of a burglary and one count of possession of stolen property. Stayton was sentenced to a prison term of 91-380 months for all three counts. Stayton did not file a direct appeal.

Stayton's sole issue on appeal is whether the district court erred by denying his petition. Stayton contends that his sentence was based on errors in the pre-sentence investigation report. Stayton does not allege ineffective assistance of counsel.

The claims in Stayton's petition should have been deemed to have been waived.¹ However, we conclude that the district court correctly

¹Stayton's claim is outside the scope of claims permissible in a post-conviction petition for a writ of habeas corpus challenging a judgment of conviction based upon a guilty plea. NRS 34.810(1)(a). Appellant waived these issues by not raising them in his direct appeal. Franklin v. State, 110 Nev. 750, 877 P.2d 1058 (1994) (issues that could have been raised on direct appeal from a judgment of conviction based on a guilty plea are *continued on next page . . .*

determined that Stayton's petition lacked merit, and we affirm the district court's ruling on that separate, independent ground.² Although we disagree with the reasoning of the district court, we conclude the district court reached the correct result in denying appellant's petition.³ Therefore we,

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Scott W. Edwards
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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waived) overruled in part on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999).

²See Harris v. Reed, 489 U.S. 255, 264 n.10 (1989) (holding that as long as the state court explicitly invokes a state procedural bar, "a state court need not fear reaching the merits of a federal claim in an alternative holding").

³See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding this court may affirm the district court's decision on grounds different from those relied upon by the district court).