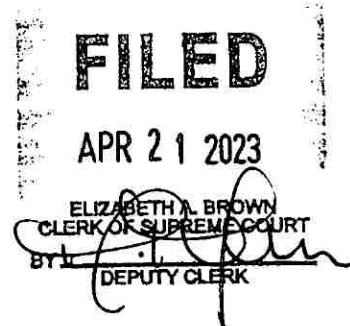


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROGER A. LIBBY,
Appellant,
vs.
ROBERT LEGRAN, WARDEN,
LOVELOCK CORRECTIONAL
CENTER; AND CATHERINE CORTEZ
MASTO, ATTORNEY GENERAL,
STATE OF NEVADA,
Respondents.

No. 85294-COA



ORDER OF AFFIRMANCE

Roger A. Libby appeals from an order of the district court denying a “motion for vacatur of void judgments pursuant to Nev. R. Civ. P. 60(b)(4)” filed on April 9, 2021. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

In his motion, Libby claimed several of his convictions were void because the statute under which he was convicted was amended prior to his convictions. The district court denied the motion on its merits.

Libby’s claim challenged the validity of his convictions and was thus not properly raised in a motion filed pursuant to NRCP 60(b)(4). Rather, such a claim must be raised in a postconviction petition for a writ of habeas corpus.¹ See NRS 34.724(2)(b) (stating a postconviction habeas petition “[c]omprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the

¹We express no opinion as to whether Libby can satisfy the procedural requirements of NRS Chapter 34.

validity of the conviction or sentence, and must be used exclusively in place of them"). Therefore, we conclude the district court did not err by denying Libby's motion. See *Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) ("If a judgment or order of a trial court reaches the right result, although it is based on an incorrect ground, the judgment or order will be affirmed on appeal."). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Michael Montero, District Judge
Roger A. Libby
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk