


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TONY WOOD,
Appellant,
vs.
JOHN HENLEY, WARDEN;
NORTHERN NEVADA
CORRECTIONAL CENTER; AND
NEVADA BOARD OF PARDONS
COMMISSIONERS,
Respondents.

No. 89555-COA

FILED

JUL 30 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Tony Wood appeals from a district court order denying a “petition for writ of habeas corpus general provisions NRS 34.360 34.680 (inclusive)” filed on June 28, 2024. First Judicial District Court, Carson City; James Todd Russell, Judge.

In his petition, Wood claimed that the application of NAC 213.103 to bar his application for clemency amounts to ex post facto and due process violations. NAC 213.103 provides that, except as provided in NAC 213.055(2), the State Board of Pardons Commissioners (Pardons Board) “will not consider an application for clemency if the applicant is required to register as an offender convicted of an offense against a child or a sex offender.” However, Wood failed to allege facts demonstrating the Pardons Board applied NAC 213.103 to bar his application for clemency.¹ Cf. *Sereika*

¹It appears Wood is serving a prison sentence for a first-degree murder conviction; he did not demonstrate he was required to register as a sex offender or as an offender convicted of an offense against a child. See NRS 179D.0357 (defining “crime against a child” for purposes of registration).

v. State, 114 Nev. 142, 151, 955 P.2d 175, 180 (1998) (providing that the defendant was unable to challenge the application of a statute on constitutional grounds where he failed to allege facts that the statute had “been applied against him in the manner hypothesized in his argument”). Therefore, we conclude the district court did not err by denying Wood’s petition.²


On appeal, Wood argues the district court erred by “rubber stamping” respondents’ proposed order denying his petition. Wood contends that this granted improper deference to respondents and that only the district court can write an order or opinion. We disagree. A district court may request a party to submit proposed findings of facts and conclusions of law. *See Byford v. State*, 123 Nev. 67, 69, 156 P.3d 691, 692 (2007); *see also* FJDCR 3.10(a)(2) (requiring the party filing a response to a writ petition to

²The district court construed Wood’s petition as a petition for a writ of mandamus. We conclude this was error because Wood’s petition and his reply to the State’s response specifically stated he was seeking relief pursuant to NRS 34.360-34.680 and because of the claims raised in Wood’s petition. In his petition, Wood alleged the Pardons Board denied him due process, and it was filed in the district court after the Nevada Supreme Court issued its order denying his original petition for a writ of habeas corpus, in which the court determined Wood failed to allege that he previously sought and was denied habeas relief in the district court. *See Wood v. Nev. Bd. of Pardons Comm’rs*, No. 88605, 2024 WL 2264345 (Nev. May 17, 2024) (Order Denying Petition for Writ of Habeas Corpus); *cf. Kelch v. Dir., Nev. Dep’t. of Prisons*, 107 Nev. 827, 829, 822 P.2d 1094, 1095 (1991) (providing Kelch filed a writ of habeas corpus in the district court challenging revocation of a commutation after the Nevada Supreme Court “denied the writ and instructed Kelch that he could not bring the matter directly before this court, but rather must file for a writ in the district court”). Nevertheless, we affirm for the reasons stated herein. *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).

attach to its response a copy of a proposed order). And a district court does not err “simply by entering an order proposed by one of the litigants without modification.” *Eivazi v. Eivazi*, 139 Nev., Adv. Op. 44, 537 P.3d 476, 482 (Ct. App. 2023). Further, because Wood failed to demonstrate he had standing to bring the issue raised in his petition, we conclude he fails to demonstrate that use of the proposed order impacted his substantial rights. See NRS 178.598 (“Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: First Judicial District Court, Department One
Tony Wood
Attorney General/Carson City
Attorney General/Las Vegas
Carson City District Attorney
Carson City Clerk