

IN THE SUPREME COURT OF THE STATE OF NEVADA

GABRIEL FLORES,
Appellant,
vs.
WARDEN, LOVELOCK
CORRECTIONAL CENTER, CRAIG
FARWELL,
Respondent.

No. 42930

FILED

MAR 04 2005

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

ORDER DISMISSING APPEAL AS MOOT

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On December 18, 2002, the district court convicted appellant, pursuant to a guilty plea, of one count each of coercion and statutory sexual seduction. The district court sentenced appellant to serve two concurrent terms of twelve to thirty months in the Nevada State Prison.¹ Appellant was also ordered to serve a special sentence of lifetime supervision. Appellant did not file a direct appeal.

On November 12, 2003, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The

¹On October 9, 2003, the judgment of conviction was amended to include credit for nine days time served.

State opposed the petition. Pursuant to NRS 34.750, the district court declined to appoint counsel to represent appellant. The district court denied appellant's petition on March 8, 2004, after conducting an evidentiary hearing. This appeal followed.

In his petition, appellant contended that his guilty plea was not voluntary, intelligent or knowing because he was not informed of the terms and conditions of any lifetime supervision. Appellant further alleged that his counsel was ineffective for failing to inform him of the terms and conditions of any lifetime supervision. Appellant requested the district court to have the "judgment of conviction modified to strike the mention of and imposition of lifetime supervision."

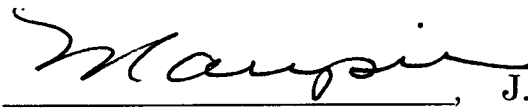
Our review of the record on appeal reveals that appellant's convictions under NRS 200.364, NRS 200.368 and NRS 207.190 did not subject him to a special requirement of lifetime supervision pursuant to NRS 176.0931.² Accordingly, we conclude that the district court erred in denying appellant's request for relief. We further conclude, however, that this appeal is moot because the district court subsequently entered a second amended judgment of conviction, on April 26, 2004, which removed the special requirement of lifetime supervision.³

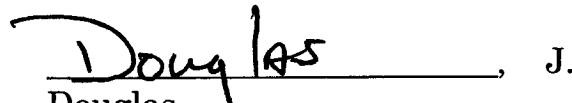
²See NRS 176.0931(5)(b).

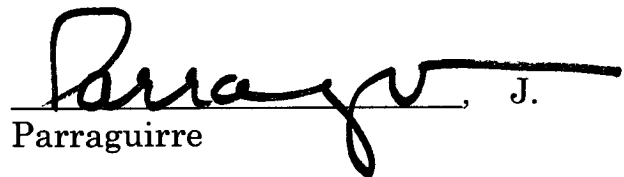
³We further note that appellant has apparently been discharged from his sentence and is presently not subject to any special condition of lifetime supervision.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to any additional relief and that briefing and oral argument are unwarranted.⁴ Accordingly, we

ORDER this appeal DISMISSED as moot.⁵


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Joseph T. Bonaventure, District Judge
Gabriel Flores
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁴See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁵We have considered all proper person documents filed or received in this matter. We conclude that appellant is only entitled to the relief described herein.