

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUCIANO RICARDO SAMELI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 45011

FILED

JUN 16 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. P. [Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant Luciano Sameli's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Sally L. Loehrer, Judge.

On January 14, 2004, the justice's court convicted Sameli, pursuant to a bench trial, of disorderly conduct. The justice's court sentenced Sameli to impulse control counseling or, in the alternative, imposed a fine. Sameli did not file a direct appeal. Sameli completed impulse control counseling on June 20, 2004.

On January 12, 2005, Sameli filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Sameli filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent

Sameli or to conduct an evidentiary hearing. On May 6, 2005, the district court denied Sameli's petition. This appeal followed.¹

We conclude that the district court did not err in denying Sameli's petition. Sameli was precluded from obtaining relief pursuant to a petition for a writ of habeas corpus because he had completed his sentence at the time he filed his petition.² This court has held that a defendant who has completed his sentence may not thereafter seek habeas corpus relief from that conviction.³ "Allowing a petitioner to file a post-conviction habeas corpus petition to challenge a judgment of conviction, after the petitioner has already completed service of the sentence imposed pursuant to that conviction, undermines the varied interests in the finality of criminal convictions."⁴ We therefore affirm the district court's denial of Sameli's petition.

¹To the extent that Sameli is also attempting to appeal from his original judgment of conviction, we note that the district courts have final appellate jurisdiction in cases arising in justice's court. See Nev. Const. art. 6, § 6; Tripp v. City of Sparks, 92 Nev. 362, 550 P.2d 419 (1976). Further, the notice of appeal was untimely filed. See NRAP 4(b).

²See Nev. Const. art. 6, § 6(1) (stating that the district courts may issue a writ of habeas corpus on petition by "any person who is held in actual custody in their respective districts, or who has suffered a criminal conviction in their respective districts and has not completed the sentence imposed pursuant to the judgment of conviction").

³Jackson v. State, 115 Nev. 21, 973 P.2d 241 (1999).

⁴Id. at 23 n.2, 973 P.2d at 242 n.2.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that Sameli is not entitled to relief and that briefing and oral argument are unwarranted.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Sally L. Loehrer, District Judge
Luciano Ricardo Sameli
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

⁵See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have reviewed all documents that Sameli has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.