

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHEILA L. GREEN A/K/A VICKEY  
JOHNSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45044

**FILED**

JAN 11 2006

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of burglary. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge. The district court sentenced appellant Sheila L. Green to serve a prison term of 12 to 30 months.

Green argues that she was wrongfully detained because she was not released from the Nevada Department of Corrections on March 8, 2005, immediately after the district court filed in open court an order directing Green's release from custody. We decline to consider Green's contention.

First, Green's challenge to the legality of her confinement falls outside the scope of permissible claims this court will consider on direct appeal. A challenge to the legality of the confinement, such as Green's, must be raised in the district court in the first instance by initiating a post-conviction proceeding.<sup>1</sup>

Further, we decline to consider Green's contention because it is moot. "[T]he duty of every judicial tribunal is to decide actual

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<sup>1</sup>See NRS 34.360; see generally Bryant v. State, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986).

controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it."<sup>2</sup> Green concedes in her appellate brief that subsequent to the filing of the notice of appeal she was granted the relief sought in her appeal -- release from custody. Because Green is no longer confined, we conclude that there is no actual controversy before this court.

Having considered Green's contention and concluded that it not is not appropriate for review on direct appeal, we

ORDER the judgment of conviction AFFIRMED.

Douglas, J.  
Douglas

Becker, J.  
Becker

Parraguirre, J.  
Parraguirre

cc: Hon. Donald M. Mosley, District Judge  
E. Brent Bryson, Ltd.  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</sup>NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981).