

IN THE SUPREME COURT OF THE STATE OF NEVADA

KHALID ALEXANDER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45125

**FILED**

DEC 21 2005

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On March 8, 2002, the district court convicted appellant, pursuant to a guilty plea, of possession of a controlled substance with intent to sell. The district court sentenced appellant to serve a term of 19 to 48 months in the Nevada State Prison. The district court suspended appellant's sentence and placed him on probation for a period not to exceed five years. No direct appeal was taken.

On December 18, 2002, the district court entered a written order revoking appellant's probation, causing the original sentence to be executed and amending the judgment of conviction to include jail time credit totaling 121 days. No appeal was taken from the order revoking probation.

On May 28, 2003, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court challenging the revocation of his probation. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined

to appoint counsel to represent appellant or to conduct an evidentiary hearing. On September 23, 2003, the district court denied appellant's petition. On appeal, this court affirmed the district court's order in part, but reversed and remanded for an evidentiary hearing on whether counsel was ineffective for failing to file a notice of appeal from the order revoking probation.<sup>1</sup> On May 3, 2005, after conducting an evidentiary hearing, the district court entered a written order denying the petition. This appeal followed.

Appellant claimed that his counsel was ineffective for failing to perfect an appeal from the district court's order revoking his probation. The district court determined that this claim was moot because appellant had been released from prison and discharged from his sentence during the pendency of the post-conviction proceedings. Having reviewed the record on appeal, we conclude that the district court did not err in determining that the petition was rendered moot by appellant's subsequent discharge from his sentence.<sup>2</sup> The only potential relief available to appellant in a habeas corpus petition, a new probation revocation hearing, is no longer available as appellant has discharged his

---


<sup>1</sup>Alexander v. State, Docket No. 42182 (Order Affirming in Part, Reversing in Part and Remanding, October 27, 2004).


<sup>2</sup>The district court further reached the merits of appellant's appeal deprivation claim. We decline to reach the merits as the claim is moot. In his petition, appellant also raised additional claims challenging his probation revocation that were not previously addressed by this court because they were the type of claims appropriately raised in an appeal from an order revoking probation and the appeal deprivation claim had been remanded for further consideration. We conclude that the remainder of the claims raised in appellant's petition that were not previously addressed by this court were rendered moot as well.

sentence.<sup>3</sup> Therefore, we affirm the order of the district court denying appellant's petition as moot.

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

ORDER the judgment of the district court AFFIRMED.<sup>5</sup>

  
\_\_\_\_\_, J.

Maupin  
  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

---

<sup>3</sup>See generally Johnson v. Director, Dep't Prisons, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (stating that expiration of a defendant's sentence rendered any question concerning computation of the sentence moot).

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

<sup>5</sup>We have reviewed all documents that appellant 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. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Joseph T. Bonaventure, District Judge  
Khalid Alexander  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk