

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,
Appellant,
vs.
WARDEN, ELY STATE PRISON, E.K.
MCDANIEL,
Respondent.

No. 45962

FILED

FEB 17 2006

ORDER OF AFFIRMANCE

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

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; Jackie Glass, Judge.

On July 1, 1996, the district court convicted appellant, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon. Appellant entered into a stipulation waiving his right to a separate penalty hearing and waiving his right to appeal. Consistent with the stipulation, the district court sentenced appellant to serve two consecutive terms of life in the Nevada State Prison with the possibility of parole. Appellant did not file a direct appeal.

On March 23, 2005, and April 20, 2005, appellant filed a proper person post-conviction petition and an amended petition for a writ of habeas corpus in the district court, which challenged a January 2005 order denying him parole release. 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 July 21, 2005, the district court denied appellant's petition as moot. This appeal followed.

In his petition, appellant contended that the parole board improperly enlarged the period for further consideration for parole from three to five years by applying an amended version of NRS 213.142 to him. Appellant asserted that the amended version of the statute did not apply to him because he committed his offense prior to July 1, 1995.¹ Appellant further asserted that, under the applicable version of NRS 213.142, he should be eligible for further consideration for parole in 2008 rather than 2010 as was ordered by the parole board.²

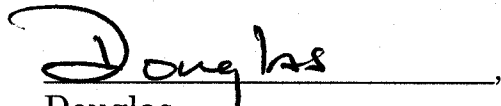
Our review of the record on appeal reveals that appellant's claim had merit. However, on July 11, 2005, the parole board issued an amended order in which it changed appellant's date for further consideration for parole from May 6, 2010, to May 6, 2008. Because the parole board corrected its error, the district court did not err in denying appellant's petition as moot.

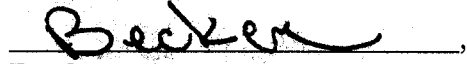
¹See 1995 Nev. Stat., ch. 444, § 32, at 1360-61; 1995 Nev. Stat., ch. 444, § 52, at 1381 ("The amendatory provisions of this act do not apply to offenses which are committed before July 1, 1995.").

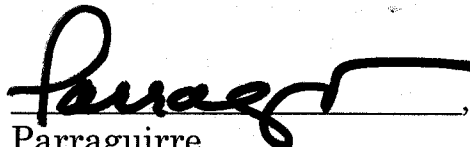
²See 1973 Nev. Stat., ch. 129, § 2, at 190.

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.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴

 J.
Douglas

 J.
Becker

 J.
Parraguirre

cc: Honorable Jackie Glass, District Judge
Christopher Anthony Jones
Attorney General George Chanos/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁴We 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.