

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN ERNESTO RIVERA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48154

FILED

FEB 08 2007

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

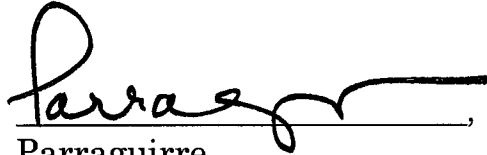
On January 27, 2004, the district court convicted appellant, pursuant to a guilty plea, of one count of statutory sexual seduction. The district court sentenced appellant to serve a term of 12 to 32 months in the Nevada State Prison. The district court suspended the sentence and placed appellant on probation for a period not to exceed three years. On August 12, 2005, the district court entered an order revoking probation, executing the original sentence, and providing appellant with 170 days of credit for time served. No appeal was taken.

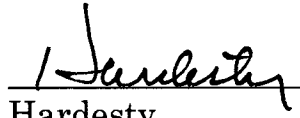
On June 20, 2005, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State opposed the petition. On September 15, 2005, the district court denied appellant's petition. This appeal followed.

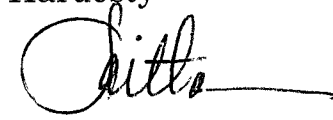
In his petition, appellant challenged the revocation of his probation. Appellant's challenge to the revocation of probation was a challenge to the legality of his confinement pursuant to NRS 34.360. Although appellant filed his petition while he was in custody, it appears

that appellant was discharged from custody after the appeal was docketed in this court.<sup>1</sup> Because appellant did not challenge the validity of his judgment of conviction and instead sought relief from his confinement and because appellant has been discharged from custody, we conclude that this appeal has been rendered moot.<sup>2</sup> Accordingly, we

ORDER this appeal DISMISSED.

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

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

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

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<sup>1</sup>The official web site maintained by the Nevada Department of Corrections establishes that appellant was discharged from custody. See <http://www.doc.nv.gov/home.php>. This information is in accord with this court's review of the order revoking probation and the credits provided in the instant case.

<sup>2</sup>But see Arterburn v. State, 111 Nev. 1121, 1124 n.1, 901 P.2d 668, 670 n.1 (1995) (determining that a direct appeal involving a challenge to the validity of the judgment of conviction was not moot where the defendant completed his sentence because the defendant's status as a convicted felon may have collateral legal consequences).

cc: Hon. Donald M. Mosley, District Judge  
Martin Ernesto Rivera  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk