

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIA ANNE FRENCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 48396

FILED

FEB 16 2007

ORDER OF AFFIRMANCE

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

This is an appeal from an order of the district court dismissing appellant Julia Anne French's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

On June 3, 2004, French was convicted, pursuant to a guilty plea, of one gross misdemeanor count of conspiracy to commit grand larceny. The district court sentenced French to a jail term of 12 months, suspended execution of the sentence, and placed her on probation for an indeterminate period not to exceed 18 months. This court affirmed the judgment of conviction and sentence on direct appeal.¹ On January 6, 2005, the district court entered an order revoking French's probation. French's sentence on the instant offense expired on March 8, 2005.

On July 15, 2005, French filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The district court appointed counsel to represent French, and counsel filed a supplement to the petition. The State opposed the petition and filed a motion to dismiss

¹French v. State, Docket No. 43572 (Order of Affirmance, November 4, 2004).

based on the district court's lack of jurisdiction. French opposed the motion to dismiss. On October 4, 2006, the district court entered an order dismissing French's petition. This timely appeal followed.

French contends that the district court erred in dismissing her petition. Specifically, French claims that her right to due process was violated because she was denied access to legal resources while incarcerated at the Washoe County Jail, and therefore, was unable to prepare and file a habeas corpus petition until after her sentence expired. We disagree.

We conclude that the district court did not err in denying French's petition. French was precluded from obtaining relief pursuant to a petition for a writ of habeas corpus because she had completed her sentence at the time she filed her petition.² This court has held that a defendant who has completed her 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

²See Nev. Const. art. 6, § 6(1) (stating that 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").

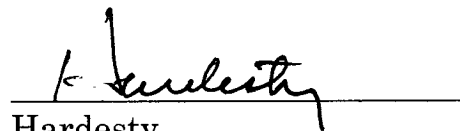
³*Jackson v. State*, 115 Nev. 21, 973 P.2d 241 (1999).

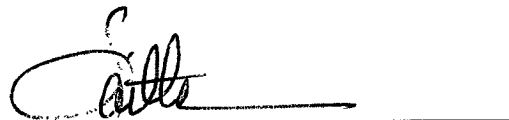
⁴*Id.* at 23 n.2, 973 P.2d at 242 n.2.

Therefore, having considered French's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.⁵

 J.
Parraguirre

 J.
Hardesty

 J.
Saitta

cc: Hon. Connie J. Steinheimer, District Judge
Nathalie Huynh
Julia Anne French
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

⁵Because French is represented by counsel in this matter, we decline to grant her permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, this court shall take no action and shall not consider the proper person documents French has submitted to this court in this matter.