

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONNELLE B. JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49375

FILED

SEP 07 2007

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; James A. Brennan, Judge.

On February 23, 2006, the district court convicted appellant, pursuant to a guilty plea, of sale of a controlled substance. The district court sentenced appellant to serve a term of 12 to 30 months in the Nevada State Prison. The district court provided appellant with 87 days of credit for time served. On May 16, 2006, the district court entered an amended judgment of conviction providing appellant with 123 days of credit for time served. No direct appeal was taken.

On January 11, 2007, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. 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 March 19, 2007, the district court dismissed appellant's petition. This appeal followed.

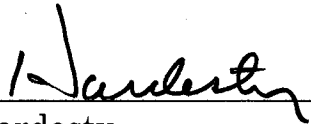
In his petition, appellant claimed that the Nevada Department of Corrections erroneously calculated his expiration date as

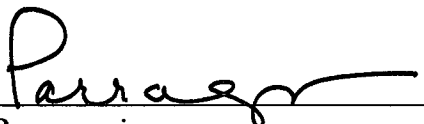
May 25, 2007. Appellant claimed that with the proper application of credits he would expire his sentence on February 14, 2007.

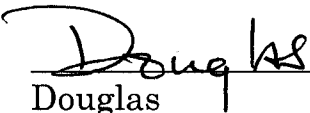
Appellant's petition was rendered moot by his subsequent expiration of his sentence. Pursuant to appellant's assertions in his petition, appellant was to expire his sentence May 25, 2007. Thus, any claim that additional credits should be applied in the instant case is moot.¹

Therefore, we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Chief Judge, Eighth Judicial District
Hon. James A. Brennan, Senior Judge
Donnelle B. Johnson
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹See 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).