

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHEENA INEZ ELMORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50070

FILED

SEP 08 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DISMISSING APPEAL

BY

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of conspiracy to commit battery with substantial bodily harm. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


On August 16, 2007, the district court entered a judgment of conviction sentencing appellant Sheena Inez Elmore to serve 6 months flat time in the county jail. On appeal, Elmore challenges the flat time sentence. We recently held in Haney v. State that “there is no statutory basis for flat time sentencing” and noted that “the Legislature has clearly evinced its intention to confer authority upon the sheriff’s office to determine whether an individual inmate is eligible for good time [and work time] credits and that allowing flat time sentencing is contrary to that intent.”¹ However, based on the length of the sentence imposed in this case, it appeared likely that Elmore’s sentence had expired.

¹124 Nev. ___, ___, ___, 185 P.3d 350, 352, 353 (2008).

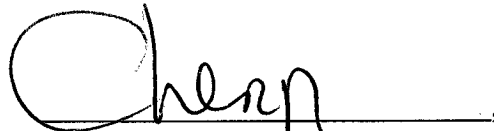
Accordingly, we directed Elmore's counsel to show cause why the appeal should not be dismissed as moot.²

On July 25, 2008, Elmore's counsel filed a response to our order to show cause. In his response, counsel acknowledged that "the six month sentence has been served and the issue is moot for Elmore." Having considered counsel's response, we conclude that this appeal is moot and we

ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

cc: Hon. Donald M. Mosley, District Judge
Clark County Public Defender Philip J. Kohn
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Sheena Inez Elmore

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