

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHAENAILLY LINWOOD
HAMMONDS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50203

FILED

AUG 22 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order revoking probation and amending the judgment of conviction. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

On July 28, 2006, the district court convicted appellant Shaenailly Linwood Hammonds, pursuant to a guilty plea, of one count of unlawfully taking a vehicle. The district court sentenced Hammonds "to the Clark County Detention Center for three hundred sixty-five (365) days to run consecutive to C210040," suspended execution of the sentence, and placed Hammonds on probation for a period not to exceed three years. Hammonds did not file a direct appeal.

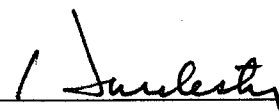
On August 31, 2007, following a probation revocation hearing, the district court revoked Hammonds' probation and ordered that "the original sentence of three hundred sixty-five (365) days flat in the Clark County Detention Center to run consecutive to C210040 will be imposed with 30 days credit for time served." (Emphasis added.) This appeal followed.

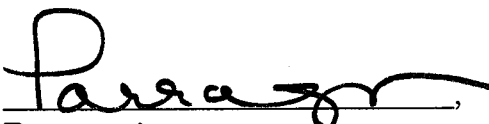
Hammonds challenges the flat time sentence. We recently held in Haney v. State that "there is no statutory basis for flat time sentencing" and noted that "the Legislature has clearly evinced its

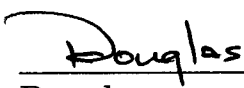
intention to confer authority upon the sheriff's office to determine whether an individual inmate is eligible for good time [and work time] credits and that allowing flat time sentencing is contrary to that intent.”¹ However, based on the length of the sentence imposed in this case, it appeared likely that Hammonds’ sentence had expired. Accordingly, we directed Hammonds’ counsel to show cause why the appeal should not be dismissed as moot.²

On July 24, 2008, Hammonds’ counsel filed a response to our order to show cause. In his response, counsel observed that “Hammonds’ one year ‘flat time’ sentence has apparently been served because the Clark County Detention Center and Nevada Department of Correction records show Hammonds is no longer in custody.” Having considered counsel’s response, we conclude that this appeal is moot and we

ORDER this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

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

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).

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
Shaenailly Linwood Hammonds