

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARON J. JONZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50272

FILED

MAY 07 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing appellant Aron J. Jonz's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

On August 20, 2003, Jonz was convicted, pursuant to an Alford plea,¹ of one count of attempted aggravated stalking. The district court sentenced Jonz to serve a prison term of 36-96 months. Jonz did not pursue a direct appeal from the judgment of conviction and sentence.

On May 21, 2007, with the assistance of counsel, Jonz filed a post-conviction petition for a writ of habeas corpus in the district court. The State moved to dismiss the petition. The district court conducted a hearing and, on August 21, 2007, entered an order dismissing Jonz's petition. This timely appeal followed.

Jonz contends that the district court erred by dismissing his petition. Specifically, Jonz argues that (1) the State Board of Parole Commissioners violated NRS 213.1215 by not making timely findings, and

¹North Carolina v. Alford, 400 U.S. 25 (1970).

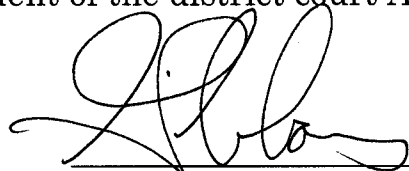
08-11304


therefore, improperly denied him mandatory release on parole, and (2) he was entitled to additional good time credits. In his petition, Jonz's requested relief was release on parole.


At the hearing in the district court, Jonz was present and conceded that his sentence had expired and that he was no longer in custody. The district court found, among other things, that because Jonz was only challenging his sentence and not the legality of his conviction, the expiration of his sentence rendered the petition moot. In its order, the district court stated, "[U]nder such circumstances, there is no justiciable issue before the court, as there is no remedy that the Court could fashion to right any perceived wrong." We agree and conclude that the district court did not err by dismissing Jonz's petition.²

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

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Maupin


_____, J.
Saitta

²See 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).

cc: Hon. Douglas W. Herndon, District Judge
Potter Law Offices
Attorney General Catherine Cortez Masto/Las Vegas
Clark County District Attorney David J. Roger
Eighth District Court Clerk