

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT GARCIA,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, JIM
BENEDETTI,
Respondent.

No. 52487

FILED

MAR 18 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; James Todd Russell, Judge.

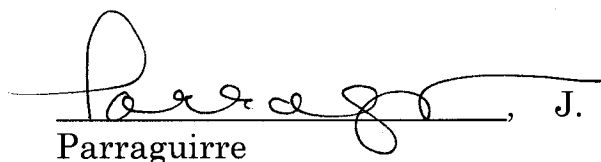
On June 23, 2008, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On September 2, 2008, the district court denied the petition. This appeal followed.

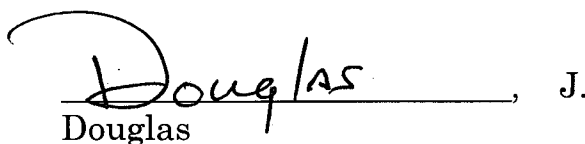
Appellant, sentenced to terms of imprisonment for first-degree kidnapping and sexual assault in district court case numbers C17938 and C86-316, filed a habeas corpus petition in the district court. In his petition, appellant claimed that the Department of Corrections failed to properly calculate his work-time credits earned in 1997. The district court considered the merits of appellant's petition and denied the petition.

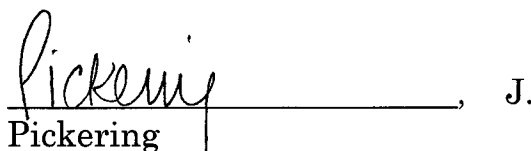
Subsequent to the district court's denial of the petition, the documents before this court indicate that appellant expired the terms

imposed in the aforementioned cases and was discharged from the custody of the Department of Corrections. This court has recognized that expiration of a defendant's sentence rendered any question concerning computation of the sentence moot. See Johnson v. Director, Dep't Prisons, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Thus, because the documents before this court indicated that appellant has expired his sentences, appellant's petition was rendered moot. Accordingly, we

ORDER this appeal DISMISSED.

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. James Todd Russell, District Judge
Albert Garcia
Attorney General Catherine Cortez Masto/Carson City
Carson City Clerk