

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEROME HULL,  
Appellant,

vs.

NEVADA BOARD OF PAROLE  
COMMISSIONERS; NEVADA  
DEPARTMENT OF CORRECTIONS;  
AND WARDEN, NORTHERN NEVADA  
CORRECTIONAL CENTER, JIM  
BENEDETTI,  
Respondents.

No. 53713

**FILED**

**FEB 05 2010**

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus, or alternatively, a writ of mandamus.<sup>1</sup> First Judicial District Court, Carson City; James E. Wilson, Judge.

In his petition filed on April 8, 2009, appellant claimed he was not provided a fair parole hearing on his first term of 30 to 120 months because the parole hearing was conducted in absentia. The district court dismissed the petition on April 21, 2009, because the petition was not in


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

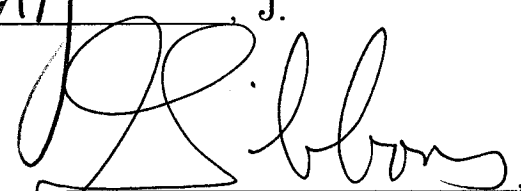
the proper form and the petition did not request relief that could be granted in a post-conviction petition for a writ of habeas corpus.

During the pendency of the proceedings, appellant had discharged serving his first term of 30 to 120 months and began to serve his second term of 30 to 120 months. Because the only remedy available for the alleged error would be a new parole hearing, the petition was rendered moot by the subsequent discharge of the first term. Niergarth v. Warden, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989) (observing that Nevada does not recognize retroactive parole dates). Thus, the district court reached the correct result in denying the petition. Kramer v. Kramer, 96 Nev. 759, 762-63, 616 P.2d 395, 397-98 (1980) (holding that a correct result will not be reversed simply because it is based on the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
Saitta, J.

  
Cherry, J.

  
Gibbons, J.

<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. James E. Wilson, District Judge  
Jerome Hull  
Attorney General/Carson City  
Carson City Clerk