

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS STONE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61501

**FILED**

**MAY 13 2014**

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

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.

Appellant filed a petition on March 27, 2012, challenging the validity of the judgment of conviction and sentence in district court case number C234502. In answer to the query regarding the name of the institution in which he is currently imprisoned or name of the person restraining him of his liberty, appellant stated that he was “at liberty” on lifetime supervision. A person on lifetime supervision may not file a post-conviction petition for a writ of habeas corpus because he is not under a sentence of death or imprisonment as required by NRS 34.724. *See Coleman v. State*, 130 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (Adv. Op. No. 22, March 27, 2014). Because appellant did not meet the imprisonment

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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).

requirement of NRS 34.724, we conclude that the district court did not err in denying the petition.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Valorie J. Vega, District Judge  
Thomas Stone  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>The district court mistakenly addressed the procedural bars when appellant was unable to satisfy the imprisonment requirement of NRS 34.724. However, the district court reached the correct result in denying the petition. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).