

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL OWENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 69331

FILED

SEP 19 2016

GRACIE K. LIDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING*

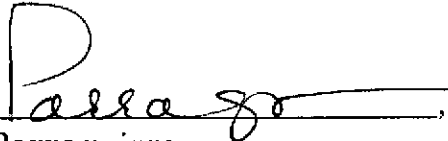
This is an appeal from an order of the district court denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


The district court denied appellant's petition as moot because appellant, who was in custody at the time he filed his petition, expired his sentence before the district court could rule on the petition. This court recently held that the expiration of a sentence during the pendency of a petition does not necessarily render a postconviction petition for a writ of habeas corpus moot because we presume that a conviction has collateral consequences. *Martinez-Hernandez v. State*, 132 Nev., Adv. Op. 61, ___ P.3d ___ (August 12, 2016). Accordingly, appellant's appeal-deprivation claim was not rendered moot, and we conclude that the district court's ruling to the contrary was error.

However, appellant also raised two claims challenging counsel's performance as it pertained to appellant's sentence. Where claims raised in the petition pertain only to a sentence, the only relief would be a new sentencing hearing. *See State v. Eighth Judicial Dist. Court*, 85 Nev. 485, 488, 457 P.2d 217, 219 (1969). And where that

sentence is expired, the sentencing-related claims are moot. *Martinez-Hernandez*, 132 Nev., Adv. Op. 61, ___ P.3d at ___ n.1. Accordingly, appellant's sentence-related claims were rendered moot by the expiration of the sentence, and we conclude that the district court's ruling as to those claims was not error. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Parraguirre


_____, J.
Hardesty


_____, J.
Pickering

cc: Hon. Michael Villani, District Judge
Nguyen & Lay
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk