

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FRANK DESHAUN SIMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 70235

FILED

MAR 23 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Frank Sims appeals from an order of the district court denying his postconviction petition for a writ of habeas corpus filed on November 4, 2015.¹ Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

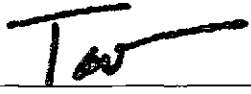
The district court denied the petition because Sims had completed his sentence in this case and was no longer under a sentence of imprisonment. Sims' judgment of conviction was entered on July 25, 2000, and he was sentenced to serve 12 to 34 months in prison. A postconviction petition for a writ of habeas corpus is not available to those who have completed the sentence imposed by the judgment of conviction and are no longer in custody. *See Nev. Const. art. 6, § 6(1); NRS 34.724(1); Jackson v. State*, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). Because Sims was not in custody pursuant to a judgment of conviction for this matter when he filed

¹This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

the petition, the district court properly denied the petition. Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. William D. Kephart, District Judge
Frank Deshaun Sims
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk