

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN CHRISTOPHER CRAIN,
Appellant,
vs.
STATE OF NEVADA PAROLE AND
PROBATION; AND THE ATTORNEY
GENERAL OF THE STATE OF
NEVADA,
Respondents.

No. 77791-COA

FILED

JUL 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Stephen Christopher Crain appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on October 2, 2018.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

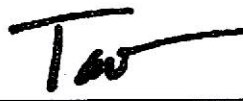
Crain challenged the validity of his judgment of conviction and sentence in case number C166673. Crain discharged his term of imprisonment in 2006 and was on lifetime supervision at the time he filed his petition. Despite Crain's arguments to the contrary, a person on lifetime supervision may not file a postconviction 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. 190, 195, 321 P.3d 863, 867 (2014). Because Crain does not meet the imprisonment requirement of NRS


¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

34.724(1), we conclude the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Stefany Miley, District Judge
Steven Christopher Crain
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²We conclude the district court did not abuse its discretion by declining to appoint postconviction counsel. See NRS 34.750(1); *Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017). To the extent Crain appeals from the denial of his motion to disqualify the Clark County District Attorney's Office, the district court did not render a decision on this motion prior to denying the petition. Only intermediate orders denied during the pendency of the petition are appealable orders, see NRS 177.045, and, therefore, this court lacks jurisdiction over this motion, see *Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).