


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SOPHIA MARIE MENDOZA,
Appellant,
vs.
BOARD OF PAROLE
COMMISSIONERS; WARDEN; FMWCC;
AND NDOC,
Respondents.

No. 79142-COA

FILED

APR 27 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Sophia Marie Mendoza appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on December 10, 2018. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.


Mendoza challenged the 2018 denial of her parole. The district court's finding that Mendoza's claim did not challenge the validity of the judgment of conviction or the computation of time served was supported by the record on appeal. Accordingly, this claim was outside the scope of claims cognizable in a postconviction petition for a writ of habeas corpus where the petitioner's conviction was the result of a guilty plea. *See* NRS 34.810(1)(a). We therefore conclude the district court did not err by denying Mendoza's petition.

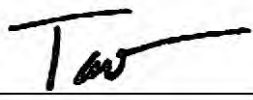
To the extent Mendoza challenges the computation of time served in her informal brief on appeal, this argument was not raised below, and we decline to address it on appeal in the first instance. *See McNelton v. State*, 115 Nev. 396, 416, 990 P.2d 1263, 1276 (1999).

Finally, Mendoza requested the appointment of counsel below, and she does so again on appeal. NRS 34.750(1) provides for the discretionary appointment of postconviction counsel if the petitioner is indigent and the petition is not summarily dismissed. Here, by denying Mendoza's petition pursuant to NRS 34.810(1)(a), the district court implicitly denied her request for the appointment of counsel. Because the petition was subject to summary dismissal, *see* NRS 34.745(4), we conclude the district court did not abuse its discretion by declining to appoint counsel.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
Sophia Marie Mendoza
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk