

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANDREW ROSSILLON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 82024

**FILED**

DEC 17 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

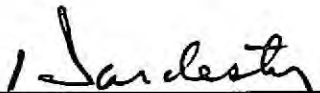
This is an appeal from a district order revoking probation. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

In September 2020, appellant was convicted, pursuant to a guilty plea, of attempted theft and the district court sentenced him to 364 days in jail, suspended the sentence, and placed him on probation for a term not to exceed one year. Several weeks after the sentencing hearing but before entry of the written judgment of conviction, the Department of Parole and Probation filed a probation violation report. On October 15, 2020, after conducting a hearing, the district court revoked probation and reduced the sentence to six months with 72 days of credit for time served. A written judgment of conviction was entered a few days later, but it reflected the original sentence and probationary term orally pronounced at the sentencing hearing. A written order memorializing the revocation of probation and modified sentence was entered on November 17, 2021.

Appellant argues that the district court abused its discretion in revoking probation. The State counters that this appeal is moot because appellant expired his sentence during the pendency of the appeal. Appellant has not responded to that argument.

“A case is moot if it seeks to determine an abstract question which does not rest upon existing facts or rights,” and a case which may have been justiciable at the beginning of the litigation, may become moot due to later occurrences. *Newman v. State*, 132 Nev. 340, 344, 373 P.3d 855, 857 (2016) (internal quotation and citation omitted). Based on the State’s representation that appellant has expired his sentence in this case, we can afford appellant no relief on his challenge to the probation revocation decision. *See generally Johnson v. Dir., Dep’t of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989) (recognizing that expiration of a defendant’s sentence rendered any question concerning the computation of credits moot). This appeal therefore is moot. Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Hardesty

  
\_\_\_\_\_, J.  
Herndon

  
\_\_\_\_\_, Sr.J.  
Gibbons

cc: Hon. Mary Kay Holthus, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

<sup>1</sup>The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.