

IN THE SUPREME COURT OF THE STATE OF NEVADA

JULIO SMITH PARRA A/K/A JULIO
SMITH PARA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38683

FILED

APR 09 2003

ORDER DISMISSING APPEAL

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On November 27, 2000, appellant was convicted, pursuant to a jury verdict, of two counts of burglary while in possession of a firearm, two counts of robbery with the use of a deadly weapon, and one count of aiming a firearm at a human being. The district court sentenced appellant to serve two concurrent prison terms of 35 to 156 months; two consecutive terms of 36 to 155 months; two consecutive terms of 62 to 156 months; and a jail term of 12 months. The district court ordered all terms except the deadly weapon enhancements to be served concurrently. This court affirmed appellant's conviction on direct appeal.¹

¹Parra v. State, Docket No. 37020 (Order of Affirmance, November 16, 2001).

On April 25, 2001, and May 29, 2001, while his direct appeal was still pending in this court, appellant filed two proper person post-conviction petitions for writs of habeas corpus in the district court. On October 4, 2001, the district court denied the petitions. Our review of the record reveals that the district court denied the petitions without prejudice to allow appellant the opportunity to file, with the assistance of counsel, a revised petition for post-conviction relief after this court resolved appellant's then-pending direct appeal. This appeal from the district court's order of October 4, 2001, followed.

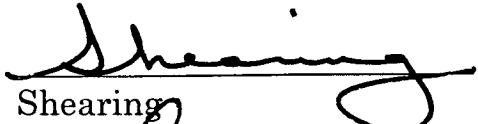
On May 24, 2002, after appellant's direct appeal had been resolved, appellant filed with the assistance of appointed counsel a "supplemental" post-conviction petition for a writ of habeas corpus. The petition expressly stated "[t]hat the [previous] petition[s] shall be argued with this petition." On September 30, 2002, after hearing arguments from counsel, the district court denied the supplemental petition. On January 31, 2003, this court affirmed the order of the district court denying the supplemental petition.²

It is clear from our review of the record that the district court provided appellant an opportunity with the assistance of counsel to revise his prior proper person petitions of April 25, 2001, and May 29, 2001, and that appellant's counsel did precisely that in the "supplemental" petition that counsel filed on appellant's behalf on May


²Parra v. State, Docket No. 40404 (Order of Affirmance, January 31, 2003).

24, 2002. Thus, in light of this court's prior order affirming the district court's denial of appellant's supplemental petition, we conclude that the instant appeal is moot. Accordingly, we

ORDER this appeal DISMISSED as moot.


Shearing, J.


Leavitt, J.


Becker, J.

cc: Hon. Lee A. Gates, District Judge
Julio Smith Parra
Attorney General/Carson City
Clark County District Attorney
Clark County Clerk