

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON MICHAEL GOLDSBY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39544

FILED

OCT 15 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
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 8, 1999, the district court convicted appellant, pursuant to a guilty plea, of conspiracy to commit robbery. The district court sentenced appellant to 13 to 60 months in the Nevada State Prison. Appellant's sentence was suspended and appellant was placed on probation for a period not to exceed 5 years. On November 6, 2001, appellant's probation was revoked and the district court entered an amended judgment of conviction amending appellant's sentence to 11 months flat time in the Clark County Detention Center and dishonorable discharge from probation. Appellant did not file a direct appeal.


On January 3, 2002, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On April 12, 2002, the district court denied appellant's petition. This appeal followed.


In his petition, appellant claimed that he was entitled to 35 days of jail time credit for the time he spent incarcerated awaiting his revocation hearing from September 19, 2001 to October 25, 2001. He also

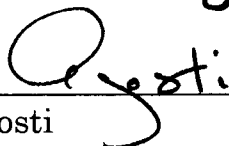
claimed that his attorney was ineffective for failing to present adequate research regarding the computation of time that appellant had served.

We conclude that the district court did not err in denying appellant's petition. Appellant expired his sentence. Thus, appellant's challenge to his sentence is moot.¹ Moreover, appellant's failed to demonstrate that his counsel rendered ineffective assistance of counsel.²

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Young


_____, J.
Agosti

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General/Carson City
Clark County District Attorney
Jason Michael Goldsby
Clark County Clerk

¹See Johnson v. Director, Dep't Prisons, 105 Nev. 314, 774 P.2d 1047 (1989).

²See Kirksey v. State, 112 Nev. 980, 987-88, 923 P.2d 1102, 1107 (1996); see also Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

³See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).