

IN THE SUPREME COURT OF THE STATE OF NEVADA

STANLEY LLOYD,
Appellant,
vs.
WARDEN, NORTHERN NEVADA
CORRECTIONAL CENTER, DON
HELLING,
Respondent.

No. 42709

FILED

AUG 23 2004

JANE T. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant Stanley Lloyd's post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; Michael R. Griffin, Judge.

On November 16, 1976, the district court convicted Lloyd, pursuant to a jury verdict, of rape. The district court sentenced Lloyd to serve a term of five to thirty years in the Nevada State Prison. On February 5, 2003, Lloyd expired his sentence for this conviction.


On August 25, 2003, Lloyd filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Lloyd or to conduct an evidentiary hearing. On January 8, 2004, the district court dismissed Lloyd's petition. This appeal followed.


In his petition, Lloyd contended that the Department of Corrections failed to credit his sentence for rape with appropriate statutory good-time credits and work credits. However, Lloyd has been discharged from this sentence. At the time Lloyd filed the instant

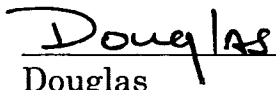
petition, he was serving a 12 to 48 month sentence for a 1999 conviction for possession of a controlled substance. Lloyd's challenge to the computation of time he served on an expired sentence is moot.¹ As such, the district court did not err in denying Lloyd's claim.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Lloyd is not entitled to relief and that briefing and oral argument are unwarranted.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Michael R. Griffin, District Judge
Stanley Lloyd
Attorney General Brian Sandoval/Carson City
Carson City Clerk

¹See Johnson v. Director, Dep't Prisons 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).

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