

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
ANTONIO BUENO,
Respondent.

No. 59595

FILED

JUN 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

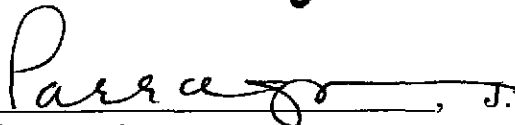
This is an appeal by the State from an order of the district court granting respondent Antonio Bueno's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

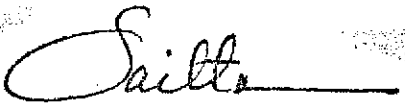
Bueno filed a petition on March 16, 2011, challenging his sentence and conditions of lifetime supervision in district court case number C211685. At the time that Bueno filed his petition, he had expired his sentence of imprisonment and was subject only to lifetime supervision. On appeal, the State argues that the district court erred in granting the petition and striking the conditions of lifetime supervision that were imposed on Bueno by the Department of Parole and Probation. We agree. A person on lifetime supervision may not file a post-conviction petition for a writ of habeas corpus because he is not under a sentence of death or imprisonment as required by NRS 34.724. *See Coleman v. State*, 130 Nev. ___, ___, 321 P.3d 863, 867 (2014). Therefore, because Bueno did not meet the imprisonment requirement of NRS 34.724, he was not eligible for post-conviction habeas relief. *See id.* For this reason, we conclude that the district court erred in granting Bueno's post-conviction

petition for a writ of habeas corpus and releasing Bueno from the conditions of lifetime supervision.¹ Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Chief Judge, Eighth Judicial District Court
Hon. J. Charles Thompson, Senior Judge
Hon. Adriana Escobar, District Judge
Attorney General/Carson City
Clark County District Attorney
Turco & Draskovich
Eighth District Court Clerk

¹We note that the district court did not provide findings of fact or conclusions of law in its order. To the extent that the district court granted relief to Bueno under NRS 176.0931(3), the district court did not have the authority to do this, as Bueno did not meet the statutory requirements for release from his lifetime supervision sentence.