

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
LEONELL DALUPAN,  
Respondent.

No. 59596

**FILED**

JUN 12 2014

TRACIE K. LINDEMAN  
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BY S. Young  
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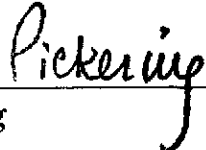
*ORDER OF REVERSAL AND REMAND*

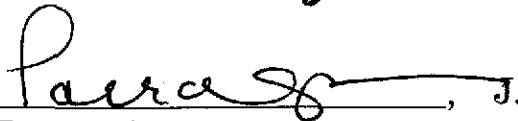
This is an appeal by the State from an order of the district court granting respondent Leonell Dalupan's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.

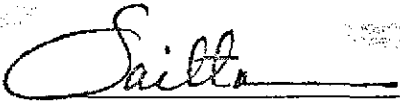
Dalupan filed a petition on May 3, 2011, challenging his sentence and conditions of lifetime supervision in district court case number C216329. At the time that he filed his petition, Dalupan had expired his sentence of imprisonment and was subject only to lifetime supervision. On appeal, the State argues that the district court erred in granting the petition and striking the conditions of lifetime supervision that were imposed on Dalupan 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 Dalupan 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

Dalupan's post-conviction petition for a writ of habeas corpus and releasing Dalupan from the conditions of lifetime supervision.<sup>1</sup> 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

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<sup>1</sup>We 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 Dalupan under NRS 176.0931(3), the district court did not have the authority to do this, as Dalupan did not meet the statutory requirements for release from his lifetime supervision sentence.