

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
MARTIN D. HAYES,
Respondent.

No. 59614

FILED

JUN 12 2014

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

ORDER OF REVERSAL AND REMAND

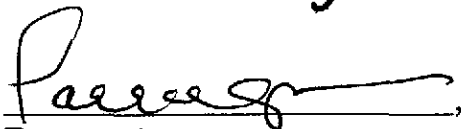
This is an appeal by the State from an order of the district court granting respondent Martin D. Hayes's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Donald M. Mosley, Judge.


Hayes filed a petition on March 25, 2011, challenging his sentence and conditions of lifetime supervision in district court case number C165145. At the time that Hayes 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 Hayes 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 Hayes 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 Hayes's post-conviction

petition for a writ of habeas corpus and releasing Hayes 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
Turco & Draskovich
Attorney General/Carson City
Clark County District Attorney
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 Hayes under NRS 176.0931(3), the district court did not have the authority to do this, as Hayes did not meet the statutory requirements for release from his lifetime supervision sentence.