

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES CLINTON NEWTON, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74119-COA

FILED

DEC 04 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

Charles Clinton Newton, Jr., appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on August 30, 2016.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Chief Judge.

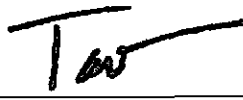
Newton claimed the district court erred by denying his petition because the Nevada Department of Corrections incorrectly determined which of his concurrent sentences was controlling and failed to apply the statutory credits he earned to his minimum sentences as required by NRS 209.4465. We directed the State to provide an answer and, because the State's answer suggested Newton had discharged one of his sentences and may have discharged the other sentence, we directed the State to provide information as to whether Newton had indeed discharged both of his sentences. The State has demonstrated that Newton discharged his sentences in this matter on January 9, 2018, and August 27, 2018. The discharge of these sentences renders Newton's challenge to the computation

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

of time served moot. See *Johnson v. Dir., Nev. Dep't of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989). Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, Chief Judge
Charles Clinton Newton, Jr.
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk