

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RYAN ANDREW BARNES,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 75235-COA

**FILED**

JUL 18 2019

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

**ORDER OF AFFIRMANCE**

Ryan Andrew Barnes appeals from an order of the district court granting the State's December 20, 2017, motion to correct illegal sentence. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Barnes contends the district court erred by striking language in his judgment of conviction that ordered his immediate release from custody. In response to an order of this court, the State has demonstrated that Barnes has discharged the sentence at issue in this case. Barnes' discharge of his sentence renders any challenges to it moot. *See Johnson v. Dir., Nev. Dep't. of Prisons*, 105 Nev. 314, 316, 774 P.2d 1047, 1049 (1989).

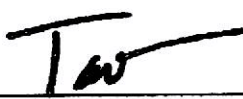
Moreover, as a separate and independent ground to deny relief, Barnes' claim lacks merit. The provision at issue in this appeal is a statement in Barnes' judgment of conviction ordering his immediate release from custody. This provision encroached on an executive function in violation of the separation of powers doctrine, and it was thus outside the jurisdiction of the sentencing court to impose it. *See State ex rel. Nevada*

*Dep't of Prisons v. Kimsey*, 109 Nev. 519, 523, 853 P.2d 109, 111-12 (1993).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Lynne K. Simons, District Judge  
Law Office of Thomas L. Qualls, Ltd.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk