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3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

4 Electronically Filed
5 Dec 28 2021 12:34 p.m.
6 Elizabeth A. Brown
7 Clerk of Supreme Court

8 HYUKEEM TYRESE WELDON,
9 Petitioner,
10 vs.
11 THE EIGHT JUDICIAL DISTRICT
12 COURT OF THE STATE OF NEVADA
13 IN AND FOR THE COUNTY OF
14 CLARK,
15 Respondent,
16 and
17 THE STATE OF NEVADA,
18 Real Party in Interest.

No. 83378

19 **RESPONSE**

20 Case A-20-821331-C, a petition for writ of habeas corpus, was filed on September 16,
21 2020. The Petitioner, Mr. Weldon, also filed a Motion for Appointment of Counsel at that
22 time. The previous department took no action on either the writ or the motion. The matter
23 was reassigned to Department XXIV on January 4, 2021. Mr. Weldon filed a Motion for
24 Hearing Request on May 12, 2021. However, this Department inadvertently overlooked this
25 filing and did not become aware of Mr. Weldon's petition and motion until he appealed the
26 same to the Nevada Supreme Court. At that time, this Department ordered the State to
27 respond to Mr. Weldon's petition and motion. The matters are now scheduled to be argued
28 on January 4, 2022. It is believed that the subsequent measures by this Department render
Mr. Weldon's petition to the Supreme Court moot.

Courts have a duty "to decide actual controversies by a judgment which can be
carried into effect, and not to give opinions upon moot questions or abstract propositions, or
to declare principles of law which cannot affect the matter in issue before it." Univ. and
Cmty Coll. Sys. of NV vs. Nevadans for Sound Government, 120 Nev. 712, 720, 100 P.3d

1 179, 186 (2004). This court's duty is to decide actual controversies by a judgment which can
2 be carried into effect, and not to give opinions upon moot questions. NCAA v. Univ. of
3 Nev., 97 Nev. 56, 57, 624 P.2d 10, 10 (1981). Although a case may present a live
4 controversy at its beginning, subsequent events may render the case moot. Personhood
5 Nevada v. Bristol, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). If the present controversy
6 is not likely to often recur where the result avoids review or trial on the merits, then the
7 controversy is moot. Nat'l Collegiate Athletic Ass'n v. Univ. of Nevada, Reno, 97 Nev. 56,
8 58, 624 P.2d 10, 11 (1981).

9 Here, after receiving notice of Mr. Weldon's petition and appeal, the State filed a
10 Response on December 10, 2021. Argument for the Petitioner's petition will be held on
11 January 4, 2021, where the Court will then provide a ruling on the merits of Mr. Weldon's
12 petition. Due to the fact that the hearing is already scheduled, Mr. Weldon's appeal to the
13 Nevada Supreme Court has subsequently become moot.

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