

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM LEE WRIGHT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 45461

**FILED**

SEP 23 2005

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying appellant's motion for modification. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On October 29, 2002, the district court convicted appellant, pursuant to a guilty plea, of drawing and passing a check without sufficient funds in drawee bank with intent to defraud, presumptions of intent to defraud. The district court sentenced appellant to serve a term of nineteen to forty-eight months in the Nevada State Prison.<sup>1</sup> The sentence was suspended and appellant was placed on probation for a term not to exceed five years. Appellant did not file a direct appeal.

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<sup>1</sup>On January 6, 2003, the district court entered an amended judgment of conviction that increased the amount of restitution to be paid by appellant.

On May 10, 2005, appellant filed a proper person motion for modification in the district court. The State opposed the motion and appellant filed a reply. On June 2, 2005, the district court denied appellant's motion. This appeal followed.<sup>2</sup>

In his motion, appellant claimed that his rights have been violated because he never received a probation violation inquiry as required by NRS 176A.580. Appellant stated that he was informed that a probation warrant had been issued and argued that the issuance of the warrant without a probation violation inquiry was improper.

We conclude that appellant failed to demonstrate that his rights were violated. NRS 176A.580 requires a probation violation inquiry to determine probable cause for revoking probation before a probationer who is in custody for a probation violation can be brought before the district court for that violation.<sup>3</sup> Appellant failed to demonstrate that a probation warrant was ever issued, he was ever in custody for a probation violation or his probation was revoked. Accordingly, we conclude that the district court did not err in denying appellant's motion.

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<sup>2</sup>To the extent that appellant contends that the district court erred in denying his motion for the appointment of counsel, we reject that contention. See NRS 34.750.

<sup>3</sup>NRS 176A.580(1).

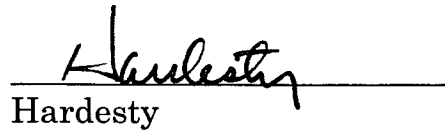
Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>4</sup> Accordingly, we  
ORDER the judgment of the district court AFFIRMED.

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

Maupin

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

Gibbons

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

Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge  
William Lee Wright  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).