

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIE TURNER,  
Appellant,  
vs.  
NEVADA BOARD OF PAROLE  
COMMISSIONERS,  
Respondent.

No. 46531

**FILED**

MAR 24 2006

JANE L. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Judge.

On September 29, 2005, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State opposed the petition. On December 12, 2005, the district court denied the petition. This appeal followed.

In his petition, appellant appeared to argue that his parole revocation should last only eight months. He claimed that the parole board's decision to deny parole consideration for three years increased the eight-month penalty he received when his parole was revoked. Appellant argued that the parole board acted arbitrarily and capriciously in denying parole and scheduling a rehearing for three years because he was aware of other prisoners who committed far more egregious violations who were released shortly after parole was revoked. Finally, appellant appeared to claim that the Parole Board erred in applying newly enacted parole likelihood success factors to him.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's petition. To the

extent that appellant challenged the Parole Board's decision to deny parole, the district court properly determined that the challenge was without merit as a prisoner has no constitutional right to parole.<sup>1</sup> Further, the record belies appellant's claim that his parole was revoked for a period of only eight months.<sup>2</sup> Rather, appellant's parole was revoked in March 2005. The parole board indicated that appellant would be eligible for parole in November 2005, with a hearing on parole release to be scheduled for four months before the parole eligibility date—July 2005. Because appellant's parole was revoked, appellant was required to appear before the Parole Board for a release decision, and it was within the Parole Board's discretion to grant or deny parole.<sup>3</sup> The Parole Board's determination that appellant's parole rehearing date should be scheduled for three years from the denial of parole did not violate any protected rights.<sup>4</sup> Appellant did not demonstrate that the Parole Board acted arbitrarily or capriciously in this matter. Finally, appellant did not demonstrate that application of the parole likelihood success factors violated any protected rights.<sup>5</sup> Therefore, we affirm the decision of the district court.

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<sup>1</sup>See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 768 P.2d 882 (1989).

<sup>2</sup>See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

<sup>3</sup>See NRS 213.1099.

<sup>4</sup>See 1973 Nev. Stat., ch. 129, §1, at 190 (NRS 213.142).

<sup>5</sup>See NRS 213.10885(1) (providing that the Parole Board shall adopt specific standards or guidelines to assist the board in determining whether to grant or deny parole); NRS 213.10885(5) (requiring the Parole Board to conduct a comprehensive review of the standards every second year and

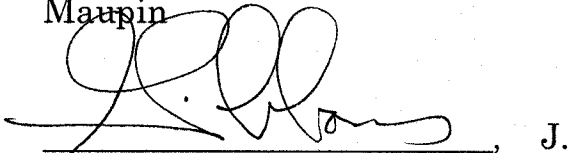
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Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>6</sup> Accordingly, we

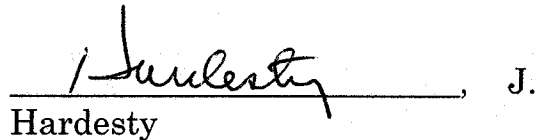
ORDER the judgment of the district court AFFIRMED.

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

Maupin

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

Gibbons

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

Hardesty

cc: Hon. Joseph T. Bonaventure, District Judge  
Willie Turner  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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adopt revised standards if any are determined to be ineffective); see generally Vermouth v. Corrothers, 827 F.2d 599 (9th Cir. 1987) (holding that federal parole guidelines were not laws for ex post facto purposes).

<sup>6</sup>See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).