

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAY ANTHONY TURNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46930

**FILED**

**JAN 09 2007**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. B. [Signature]*  
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

Appellant Ray Anthony Turner was convicted in 1983 of first-degree murder with the use of a deadly weapon. He was sentenced to serve two consecutive terms of life without the possibility of parole. In January 2004, his sentence was commuted by the Pardons Board to two consecutive terms of life with the possibility of parole, and he was made immediately parole eligible. In February 2004, Turner appeared before the Parole Board and was denied parole.

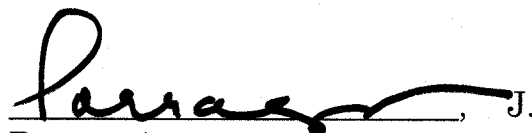
In his proper person petition below, Turner contended that the Parole Board made two errors in his "Parole Success Likelihood Factors" worksheet. First, Turner contended that although he only had one prior felony, the Board indicated he had two. Second, Turner contended that the Board rated his present conviction an "A-1" based on the current statutory punishment for first-degree murder rather than an "A-3" based on the statutory punishment at the time he was convicted. Turner claimed in his petition below that these errors constituted violations of his

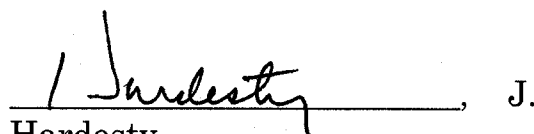
right to due process, entitling him to a new parole hearing. The district court disagreed. This appeal followed.


Nevada's parole statute "does not create a legitimate expectation of parole release sufficient to trigger a constitutionally cognizable liberty interest and invoke the protections of the Due Process Clause."<sup>1</sup> Thus, the procedures used by the Board in making its decisions are not subject to a due process challenge.<sup>2</sup> We therefore conclude the district court did not err in denying Turner's petition.<sup>3</sup>

Having reviewed Turner's claim and determined it is without merit, we

ORDER the judgment of the district court AFFIRMED.

  
Parraguirre J.

  
Hardesty J.

  
Saitta J.

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<sup>1</sup>Weakland v. Bd. of Parole Comm'rs, 100 Nev. 218, 219, 678 P.2d 1158, 1160 (1984).

<sup>2</sup>See id. at 220, 678 P.2d at 1160.

<sup>3</sup>We note that correspondence between himself and the Parole Board submitted by Turner with his petition indicates he has made the Board aware of these purported errors and the Board has declined to reconsider granting Turner parole at this time.

cc: Eighth Judicial District Court, Department Seventeen  
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Clark County Clerk