

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL TRATNER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47234

FILED

AUG 09 2006

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus and a motion for appointment of counsel. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

We have reviewed the record on appeal and we conclude that the district court did not err in denying appellant's petition and motion for the reasons stated in the attached order. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Douglas _____, J.
Douglas

Becker _____, J.
Becker

Parraguirre _____, J.
Parraguirre

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. Steven R. Kosach, District Judge
Michael Tratner
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

1 CODE 2840

ORIGINAL FILED

2 APR 14 2006

3 RONALD A. LONGTIN, JR., CLERK

4 By: *R. Rogers*
DEPUTY

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 MICHAEL TRATNER,

10 Petitioner,

11 vs.

Case No. CR04P0866

12 DON HELLING, Warden,

Dept. No. 8

13 Respondent.
14 _____ /

15 ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR
16 APPOINTMENT OF COUNSEL

17 Michael Tratner (hereinafter "Petitioner") presents this Court with a *Petition for Writ of*
18 *Habeas Corpus (Post-Conviction)*. Petitioner also requests appointment of counsel to
19 represent him in this matter. The State has not responded. This Court, having considered
20 all papers and pleadings on file herein, finds and concludes as follows.

21 On April 14, 2004, Petitioner pled guilty to Possession of a Controlled Substance, a
22 violation of NRS 453.336. On October 26, 2005, this Court sentenced Petitioner to 12 to
23 32 months in prison, suspended. Petitioner was then placed on probation for a term not to
24 exceed 36 months. Based on a Parole and Probation Violation Report and arguments
25 made at the hearing, this Court revoked Petitioner's probation on January 5, 2006.
26 Petitioner filed the present petition, seeking relief for illegal arrest. Petitioner contends the
27 State had no reason to arrest him and, consequently, the Court had no reason to revoke
28 his probation.

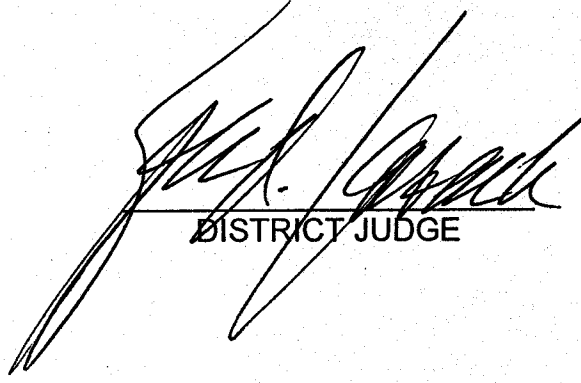
1 Upon review, the Court determines it properly revoked Petitioner's probation.
2 According to the Parole and Probation Violation Report, parole and probation officers were
3 checking on another probationer when they located Petitioner at the probationer's
4 apartment. When officers asked for Petitioner's identification, Petitioner failed to give a
5 straight answer. At this point, Petitioner had already been in violation of the terms of his
6 probation by failing to report to Drug Court in a timely manner and failing to pay
7 supervision fees. Upon his arrest, officers also discovered that Petitioner had drug
8 paraphernalia, a hypodermic needle, in his possession. Petitioner also failed to maintain a
9 residence and gainful employment as required by the terms of his probation. Based on
10 these findings, the Court is convinced that Petitioner was properly arrested for violating the
11 terms of his probation and that the revocation was warranted.

12 Accordingly, Petitioner's *Motion for Petition for Writ of Habeas Corpus (Post*
13 *Conviction)* is DENIED. Petitioner's request for counsel is also DENIED.

14 IT IS SO ORDERED.

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16 Dated this 13 day of April, 2006.

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DISTRICT JUDGE