

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS D. JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47434

FILED

DEC 07 2006


ORDER OF AFFIRMANCE

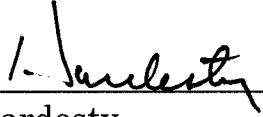
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CLERK OF SUPREME COURT
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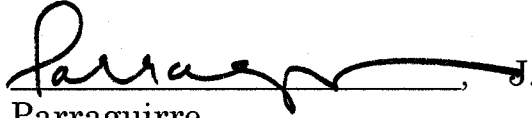
This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

We have reviewed the record on appeal, and we conclude that the district court did not err in denying appellant's petition 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.


_____, J.
Becker


_____, J.
Hardesty


_____, J.
Parraguirre

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

cc: Hon. Jackie Glass, District Judge
Douglas D. Johnson
Attorney General George Chanos/Carson City
Attorney General George Chanos/Las Vegas
Clark County Clerk

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7 EIGHTH JUDICIAL DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 ***

10
11 DOUGLAS JOHNSON,
12 Petitioner,

Case No: C160015

Dept No: V

13 v.

14 STATE OF NEVADA PAROLE BOARD, et.al.,

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

15 Respondents.

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16 The above-entitled Court, on April 27, 2006 at 8:30 a.m., conducted a hearing on the
17 proper person Petition for a Writ of Habeas Corpus filed by DOUGLAS JOHNSON and
18 hereby issues this order finally disposing of said petition pursuant to NRS 34.830. JOHNSON
19 was present, an inmate in the custody of the Nevada Department of Corrections, currently
20 assigned to the Casa Grande Transitional Housing Facility. Respondents were represented
21 by Senior Deputy Attorney General Thom Gover. Upon reviewing the Petition, the argument
22 of the parties and the pleadings and papers on file herein, the Court makes the follow findings
23 of fact and conclusions of law:

24 1. JOHNSON seeks this Court to remedy an alleged due process violation whereby
25 JOHNSON claims that 311 days of "stat time" were wrongfully forfeited as a result of a
26 October 5, 2005 Parole Violation Hearing.

27 2. According to the October 10, 2005 "Certification of Action" resulting from the Parole
28 Violation Hearing, attached as an exhibit to JOHNSON'S petition, the Board found JOHNSON

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1 had absconded from parole supervision and lawfully determined that 944 days of "flat time"
2 may not be credited to his sentence. See NRS 213.15185(4). Additionally, the Board
3 determined that 311 days of "stat/absc. time," time that would have been accumulated had
4 JOHNSON not absconded for 944 days, likewise may not be credited to his sentence.
5 JOHNSON did not suffer the loss of any "stat time," time that had been accumulated prior to
6 his absconding from parole supervision, although the Parole Board had the discretion to
7 forfeit "all previously earned credits earned to reduce his [JOHNSON'S] sentence." See
8 NRS 213.15185(2).

9 3. As a result, JOHNSON's claim is belied by the record. The Parole Board did not forfeit
10 any days of "stat time" previously earned by JOHNSON as evidenced by the Board of Parole
11 Commissioners, Certification of Action Parole Violations Hearings, dated October 5, 2005.
12 JOHNSON can have no claim to additional "stat time" alleged to have been earned while he
13 was in an absconder status.

14 **THEREFORE, IT IS HEREBY ORDERED**, based upon the above findings of fact and
15 conclusions of law, that JOHNSON'S petition is without merit and said petition is therefore
16 DENIED. JOHNSON'S Motion to Proceed *In Forma Pauperis* is GRANTED.

17 DATED this 4 day of May, 2006.

18
19
20 
21 DISTRICT COURT JUDGE 

22 Submitted by:

23 GEORGE J. CHANOS
24 Attorney General

25
26 By: 

27 THOM GOVER
28 Nevada Bar Number 5648
Senior Deputy Attorney General
Criminal Justice Division