

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN A. BLAISDEL,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, GLEN WHORTON,
Respondent.

No. 48593

FILED

MAY 22 2007

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus. Sixth Judicial District Court, Pershing County; John M. Iroz, Judge.

On March 21, 2006, appellant filed a proper person petition for a writ of habeas corpus in the district court. On December 1, 2006, the district court denied appellant's petition. This appeal followed.

Appellant contended that the parole board impermissibly applied statutory amendments to increase the amount of time he must serve before being paroled, thereby violating the Ex Post Facto Clause of the United States Constitution. Specifically, when appellant was convicted, NRS 213.108 established that the parole board would consist of



five members.¹ In 1997, the statute was amended, reconfiguring the parole board to consist of seven members.² Appellant claimed that because he was denied parole by a four-to-three vote, he would have been paroled under the old parole board configuration, and thus, the amended statute illegally increased his term of punishment.

Based upon our review of the record on appeal, we conclude that the district court properly denied appellant's petition. Parole is an act of grace; a prisoner has no constitutional right to parole.³ The subject of parole is within the legislative authority.⁴ The amendment of NRS 213.108 "creates only the most speculative and attenuated possibility of producing the prohibited effect of increasing the measure of punishment" and thus, does not violate the Ex Post Facto Clause.⁵ The decision to

¹1987 Nev. Stat., ch. 143, § 1, at 317.

²1997 Nev. Stat., ch. 671, §3, at 3339.

³See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 768 P.2d 882 (1989).

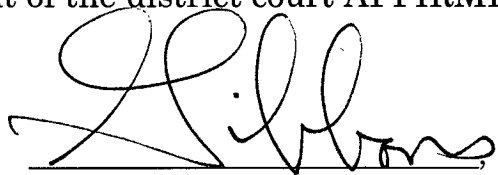
⁴See Pinana v. State, 76 Nev. 274, 283, 352 P.2d 824, 829 (1960).

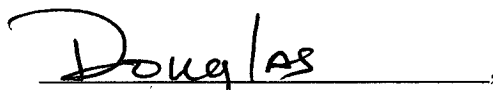
⁵California Dept. of Corrections v. Morales, 514 U.S. 499, 509-10 (1995) (citing to Dobbert v. Florida, 432 U.S. 282, 294 (1977)).

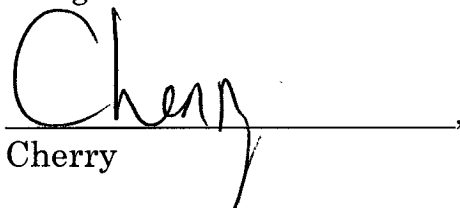
grant or deny parole lies within the discretion of the parole board.⁶ Thus, the district court properly denied appellant's petition.

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.⁷ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁸


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Cherry

⁶See NRS 213.1099(2) (providing that the parole board shall consider the standards and various other factors in determining whether to deny or grant parole); NAC 213.560(1) (stating that the standards do not restrict the parole board's discretion to grant or deny parole).

⁷See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁸We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted.



cc: Hon. John M. Iroz, District Judge
Stephen A. Blaisdel
Attorney General Catherine Cortez Masto/Carson City
Pershing County Clerk