

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD DAVID MORROW,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52520

FILED

DEC 03 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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 prohibition. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

In November, 2000, appellant, a former member of the Nevada Highway Patrol, was living in Reno under the supervision of the Nevada Division of Parole and Probation. During a search of appellant's home, parole officers discovered material they believed to be child pornography. Appellant's parole was revoked for a period of three years. In October, 2003, a hearing was held before the Board of Parole Commissioners, and appellant's parole was withheld for an additional three years. On October 11, 2006, appellant was granted a parole release effective February 1, 2007, but parole was rescinded before appellant was released.

The State charged appellant with multiple counts of possession of visual presentation depicting sexual conduct of a person under sixteen years of age in relation to the property seized during November, 2000. The district court eventually dismissed all charges for failure to comply with the statute of limitations. Appellant successfully obtained an order granting the return of property seized during the prosecution.

On March 17, 2008, appellant filed a proper person petition for a writ of prohibition in the district court. The State opposed the petition. On September 17, 2008, the district court denied the petition. This appeal followed.

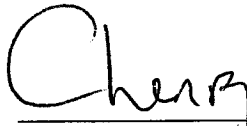
In his petition, appellant challenged his classification by the Parole Board as a "Tier 3 level sex offender." He claimed that the Board arrived at this classification as a result of the property the district court ordered returned to him, and letters from other law enforcement officers with a grudge against petitioner for the shame he brought to the law enforcement community. Appellant further claimed that these letters exceeded the scope of the law enforcement officers' expertise and duties. Appellant sought an order of the district court citing the officers for contempt of the court order ordering the return of his property and directing all law enforcement agencies to purge any information related to appellant's returned property.


A writ of prohibition "arrests the proceedings of any tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person." NRS 34.320. A writ of prohibition may issue only where there is no plain, speedy, and adequate remedy at law. NRS 34.330. This court reviews "a district court's grant or denial of writ relief for an abuse of discretion." Koller v. State, 122 Nev. 223, 226, 130 P.3d 653, 655 (2006).


We conclude that the district court did not abuse its discretion in denying appellant's petition. Appellant failed to demonstrate which, if any, proceeding of a "tribunal, corporation, board or person exercising judicial functions" was to be arrested. Accordingly, a writ of prohibition was not appropriate. Therefore, appellant's petition was properly denied.

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

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Jerome Polaha, District Judge
Richard David Morrow
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹We 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. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.